

CRIMINAL LAW SYLLABUS
UNIVERSITY OF FLORIDA LEVIN COLLEGE OF LAW
FALL 2022 – LAW 5100 – 3 CREDITS

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Meeting Time: Monday and Wednesday, 1:15 p.m. – 2:40 p.m.
Location: Holland Hall 355C
Office Hours: Mondays, 3:00 p.m. – 5:00 p.m. in HH326, and on Tuesdays by appointment.

Course Description:

In this course, we will explore the general principles of criminal law and will cover several substantive crimes and defenses.

Student Learning Outcomes:

By the end of this course, students should be able to:

- Read and understand statutes and judicial opinions defining criminal law in the United States.
- Understand the practical, moral, and policy concerns underlying the criminal law and the criminal justice system.
- Identify legal issues in fact patterns and work through their solutions using relevant legal rules.

Office Hours:

My office hours are on Mondays from 3:00 to 5:00 and on Tuesdays by appointment. If you are unable to meet with me during the regular hours on Monday, please send me an email and we will arrange another mutually convenient time.

Required Text:

The required text for this course is Dressler & Garvey, Cases and Materials on Criminal Law (8th edition, 2019). Other handouts may be assigned during the semester and will be made available on Canvas. I will keep you informed as materials are added to our Canvas page. If you are looking for additional resources to assist you, Understanding Criminal Law, by Joshua Dressler is a good choice; however, any additional resources are not required for the course and entirely optional. I am happy to talk with you about other resources if you are interested.

Class Attendance:

Attendance will be taken at each class meeting. It is your responsibility to locate and initial the sign-in sheet for each class session. By signing your initials, you affirm that you are physically present in class during that class period. It will be considered a violation of the course rules and Honor Code to falsely indicate that you were present in class or to assist a classmate in such misrepresentation.

- Attendance in class is required by both the ABA and the Law School. Students are **permitted two absences** during a semester without impact on your final grade, so long as you have completed the readings and are prepared for the classes following the absence. For ease of administration and to respect your privacy, I do not make any differentiation between “excused” or “unexcused” absences, so your absences can be for any reason, including for job interviews, school activities, work tasks, illness or medical appointments, COVID-19, and life. This means that you are not required to tell me why you will be or were absent from class, so long as you have two or fewer absences total. If possible, professional courtesy encourages you to notify me if you will not be in class. Please budget accordingly so that you are not left at the end of the semester with a needed absence and your budget depleted.
- The only exception to this two absences policy is for excused absences, including observance of religious holidays that are consistent with University policy (<https://catalog.ufl.edu/UGRD/academic-regulations/attendance-policies/#absencestext>) and Law School policies (<https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/uf-law-student-handbook-and-academic-policies>) and require appropriate documents and/or notification before or shortly after class about your absence.
- In addition, please notify me should you have a family or medical situation or an emergency that will require missing more than two classes, and we will discuss how to accommodate your situation.
- For each absence beyond two, your grade will be reduced by one-third of a grade (e.g., A- to B+). If you miss four or more scheduled classes, I have the discretion to render you ineligible to receive credit for the course.
- More generally, if you are concerned that you may come close to the limit on absences, it is a good idea to keep me informed, so that we can explore whether accommodation is both possible and appropriate.
- This policy starts on the first day of classes, not the end of the drop/add period.

COVID-19 Practices

Although the University is not requiring faculty, staff, and students to wear masks, everyone is welcome to wear masks. I will have spare masks available with me in the classroom so please do not be shy to ask for them. Most importantly, however, please do not come to class if you feel sick. Recent studies and guidance from the CDC state that both unvaccinated and vaccinated individuals can transmit the current COVID-19. Students should stay at home if they have tested positive or are feeling ill.

The UF Student Health Center continues to offer vaccines to students at no charge, and we will strongly encourage all students to become vaccinated if they have not already done so. Information is can be found here: <https://coronavirus.ufhealth.org/vaccinations-2/vaccine-availability/vaccine-availability-alachua/#uf>.

Grading:

This course follows the Levin College of Law’s grading policies found here: <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/uf-law-student-handbook-and-academic-policies>. Your final course grade will be based principally on a final exam. Once I have read and graded each exam, I will consider a student’s participation in class with regard to any “borderline” exam results.

The chart below describes the specific letter grade and grade point equivalent in place:

Letter Grade	Point Equivalent
A	4.0
A-	3.67
B+	3.33
B	3.0
B-	2.67
C+	2.33
C	2.0
C-	1.67
D+	1.33
D	1.0
D-	0.67
E (Failure)	0.0

Class Preparation and Participation:

Students are expected to attend class, be prepared, and to participate in class discussion. ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every “classroom hour” of in-class instruction. Because Criminal Law is a 3-hour course, the ABA Standard suggests at least **6 hours** of preparation outside of class.

I encourage you to read all assignments closely and to take notes that will help you think critically and authentically about the facts, issues, and law. Your grade can be affected by your class participation. In evaluating class participation, I will consider the professionalism and courtesy you display in class,

your preparedness for class, and your class attendance. I will not reward students for being persistently talkative; nor will I mark down students who are relatively quiet. I do, however, expect everyone to be familiar with the assigned materials and prepared to discuss it in class if called upon.

Please do not arrive late to class, leave early, or take a break during class absent extenuating circumstances. Please silence your cell phone during class. Texting during class is strictly prohibited, and I reserve the right to lower your final grade if you engage in behavior that disrupts the learning environment.

Class Recording Policy:

The Office of Student Affairs will continue to record all classes via Mediasite in case students must miss class for health reasons. The Office of Student Affairs will determine when students may have access to these recordings, and the recordings will be password protected. These recordings will be retained only for a short time, and it is the student's responsibility to contact the Office of Student Affairs as soon as possible after an absence.

Policy Regarding Make-up Exams or Other Work:

The law school policy on exam delays and accommodations can be found here: <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students-/forms-applications/exam-delays-accommodations-form>

Statement Related to Accommodations for Students with Disabilities

Students requesting accommodations for disabilities must first register with the Disability Resource Center (<https://disability.ufl.edu/>). Once registered, students will receive an accommodation letter, which must be presented to the Assistant Dean for Student Affairs (Assistant Dean Brian Mitchell). Students with disabilities should follow this procedure as early as possible in the semester, as accommodations are not retroactive. It is important for students to share their accommodation letter with their instructor and discuss their access needs as early as possible in the semester.

Online Course Evaluation Process:

Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals.

Click here (<https://gatorevals.aa.ufl.edu/students/>) for guidance on how to give appropriate and helpful feedback. Students will be notified when the evaluation period opens and may complete evaluations through the email they receive from GatorEvals, in their Canvas course menu under GatorEvals, or via <https://ufl.bluer.com/ufl/>. Summaries of course evaluation results are available to students here: <https://gatorevals.aa.ufl.edu/public-results/>.

Academic Honesty and Compliance with UF Honor Code:

Academic honesty and integrity are fundamental values of the University Community and the legal profession. Students should understand the UF Student Honor Code found here: <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/additional-information/honor-code-and-committee/honor-code>. The Honor Code specifies behaviors that violate the Code and the possible sanctions. In addition, you are obligated to report any condition that facilitates academic misconduct to appropriate personnel. If you have any questions or concerns, please don't hesitate to contact me.

Preferred Name and Pronouns:

It is important that you feel welcome and safe in this class; and that you are comfortable participating in class discussions and communicating with me on any issues related to the class. If your preferred name is not the name listed on the official UF roll, please let me know as soon as possible by e-mail or otherwise. Please let me know how you would like to be addressed in class, if your name and pronouns are not reflected by your UF-rostered name.

You may also change your "Display Name" in Canvas. Canvas uses the "Display Name" as set in myUFL. The Display Name is what you want people to see in the UF Directory, such as "Ally" instead of "Allison." To update your display name, go to one.ufl.edu, click on the dropdown at the top right, and select "Directory Profile." Click "Edit" on the right of the name panel, uncheck "Use my legal name" under "Display Name," update how you wish your name to be displayed, and click "Submit" at the bottom. This change may take up to 24 hours to appear in Canvas. This does not change your legal name for official UF records.

Civil Discourse and Inclusive Excellence in the Classroom:

As a law student and future lawyer, it is important that you be able to engage in rigorous discourse and critical evaluation while also demonstrating civility and respect for others. This is even more important in the case of controversial issues and other topics that may trigger strong emotions.

As a group, we are likely diverse across racial, ethnic, sexual orientation, gender identity, economic, religious, and political lines. As we enter one of the great learning spaces in the world—the law school classroom—and develop our unique personal and professional identities, I encourage each of us to:

- commit to self-examination of our values and assumptions
- speak honestly, thoughtfully, and respectfully
- listen carefully and respectfully
- reserve the right to change our mind and allow for others to do the same
- allow ourselves and each other to verbalize ideas and to push the boundaries of logic and reasoning both as a means of exploring our beliefs as well as a method of sharpening our skills as lawyers.

I encourage you to contact me via email to ask any question you may have about the course or more generally about the practice of law. Use of email should model the practices that will help you succeed in a business setting.

Health and Wellness Resources:

Law school can be a daunting experience, especially when life outside the law becomes challenging and when you are expected to function at high levels during a pandemic. UF Law provides numerous resources for your support, and I encourage you to seek help if you have concerns. Any student who has difficulty accessing sufficient food or lacks a safe place to live is encouraged to contact the Office

of Student Affairs. If you are comfortable doing so, you may also notify me so that I can direct you to further resources.

- *U Matter, We Care*: If you or someone you know is in crisis, please contact umatter@ufl.edu, (352) 392-1575 (available 24/7), or visit the [U Matter, We Care website](#) to refer or report a concern and a team member will reach out to the student in crisis.
- *Counseling and Wellness Center*: [Visit the Counseling and Wellness Center website](#) or call (352) 392-1575 for information on crisis services as well as non-crisis services.
- *Student Health Care Center*: Call (352) 392-1161 for 24/7 information to help you find the care you need, or [visit the Student Health Care Center website](#).
- *University Police Department*: [Visit UF Police Department website](#) or call (352) 392-1111 (or 9-1-1 for emergencies).
- *UF Health Shands Emergency Room / Trauma Center*: For immediate medical care call (352) 733-0111 or go to the emergency room at 1515 SW Archer Road, Gainesville, FL 32608; [Visit the UF Health Emergency Room and Trauma Center website](#).

READING ASSIGNMENTS

Section I: Introduction

- 1 **August 22**
DG 1-5: Defining Criminal Law
DG 31-41: Why Do We Punish? (Overview and Utilitarian Theory)
- 2 **August 24**
DG 41-45; 48-51: Why do We Punish? (Retributive Theory)
DG 53-62: Whom Should We Punish?

Section II: Principles of Criminal Law

- 3 **August 29**
DG 6-9: Procedures and Protections
DG 129; 91-94; 105-120: Actus Reus (Legality and Clarity)
- 4 **August 31**
DG 130-148: Actus Reus (Voluntariness & Guilty Omissions)
- 5 **September 7**
DG 157-168: Mens Rea (Intent)
- 6 **September 12**
DG 169-176; 178-184: Mens Rea (Model Penal Code & Statutory Interpretation)
- 7 **September 14**
DG 205-217: Mens Rea (Mistakes of Fact & Mistakes of Law)

8 **September 19**
 DG 186-197: Mens Rea (Strict Liability)

9 **September 21**
 DG 226-239: Causation

Section III: Crimes

10 **September 26**
 DG 251-263; 270-282: Homicide (Overview & Premeditated Murder)

11 **September 28**
 DG 282-293; 300-310: Homicide (Voluntary Manslaughter)

12 **October 3**
 DG 313-329: Homicide (Unintentional Killing)

13 **October 5**
 DG 329-332; 341-357: Homicide (Felony Murder)

14 **October 10**
 DG 404-409; 429-445: Rape (Actual and Constructive Force)

15 **October 12**
 DG 449-467: Rape (Non-consent and Silence)

16 **October 17**
 DG 487-495; 197-204 Rape (Statutory Rape & Rape Shield Laws)

17 **October 19**
 DG 749-752; 766-779 Attempts (Introduction & Actus Reus of an Attempt)

18 **October 24**
 DG 779-788 Attempts (Actus Reus, Part II)

19 **October 26**
 DG 822-823; 842-850: Conspiracy (Introduction & Actus Reus of a Conspiracy)

20 **October 31**
 DG 850-864, 831-34, 872-875: Conspiracy (Actus Reus, Mens Rea, & Withdrawal Defense)

Section IV: General Defenses

21 **November 2**
 DG 497-500; 516-527: Introduction to Defenses & Self Defense

- 22 **November 7**
 DG 527-546: Reasonable Belief
- 23 **November 9**
 DG 580-588; 605-609; 614-618: Necessity & Duress
- 24 **November 14**
 DG 633-645: Insanity

Section V: Accomplice Liability

- 25 **November 16**
 DG 877-81; 836-41; 885-99: Background, Mens Rea & *People v. Lauria*
- 26 **November 21**
 DG 899-910: Actus Reus