

FLORIDA CRIMINAL PROCEDURE

Course LAW 6115 Spring 2023

Professor Jennifer Zedalis

CONTACT INFORMATION

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Office Hours: Tuesdays 11-noon and 1-2 and by appointment; Professor Zedalis also has an open door policy-- please feel free to drop in any time the door is open.

COURSE DESCRIPTION

Class meets Tuesdays and Thursdays from 9-10:25am in 106 MLAC (Large Courtroom).

Florida Criminal Procedure is a three-credit graded course.

This course covers the procedural law in Florida criminal practice. The nature, purpose, and application of various rules will be discussed. In addition to a careful study of the rules, students will read assigned cases illustrating the function of major provisions. The course is taught with emphasis on making students practice-ready. During the semester, students will draft at least one motion based on a given hypothetical. Three quizzes or mini-exams will be given in lieu of one comprehensive final exam.

COURSE GOALS AND OBJECTIVES

Students will become familiar with and have a working knowledge of the Florida Rules of Criminal Procedure. Students will be able to recognize procedural issues in cases and understand how the rules (should) operate or apply on behalf of the defendant or the prosecution. Students will learn to recognize principles of fairness in process and how rules should work to further (and not frustrate) fairness.

LEARNING OUTCOMES

Students will have entry level knowledge of rules used in the practice of criminal law and a basic understanding of how the rules operate at critical stages of criminal cases.

COURSE MATERIALS

- The Florida Rules of Criminal Procedure
- Assigned decisions, primarily from the Florida Supreme Court and the Florida District Courts of Appeal
- Hypothetical fact patterns and sample motions

PREPARATION

ABA Standard 310 requires that students devote 2 hours to out-of-class preparation for every “classroom hour” of instruction. Florida Criminal Procedure has 3+ hours of in-class instruction each week, requiring at least 6+ hours of preparation outside of class each week.

COURSE EVALUATIONS

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](#) for guidance on how to give feedback in a professional and respectful manner. 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](#).

COURSE TECHNOLOGY

The course calendar, reading assignments, and class updates will be posted on the CANVAS page for the course.

Use of cell phones, computers and other electronic devices will not be permitted during class except as specifically indicated by the professor. For example, it is permissible to take class notes and access cases for discussion on a laptop or tablet. It is not permissible to surf the internet or answer e-mail during class.

Students should expect to study the assigned rules for each week carefully and to read all assigned Florida cases in advance of class. It will often be helpful to look at statutory provisions and earlier decisions referenced in the assigned cases.

ATTENDANCE

Class attendance is important and expected. Students with more than 3 absences may lose up to 10 grade points unless unique circumstances beyond the control of the student dictate otherwise.

EVALUATION

CLASS GRADING SCALE

Attendance and Participation	expected
Quiz #1	30 points
Quiz #2	30 points
Quiz #3	30 points
Drafted Motions	10 points
Total	100 points

The law school policy on exam delays and accommodations can be found [here](#).

GPA SCALE

This course follows the Levin College of Law's grading policies found [here](#).

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

FLORIDA CRIMINAL PROCEDURE – SPRING 20 COURSE SCHEDULE

*A Just determination in every proceeding
Simplicity in procedure
Fairness in administration....3.020 Fla.R.Crim.P*

Schedule is subject to change

<u>WEEK</u> <u>ONE</u> <u>1/17-19</u>	<u>Rules, Topics, and Things we get from Cases:</u> <u>Introduction to the Course</u> Reading Rules, Spotting Issues, Reading Decisions with the Eye of a Practitioner, Developing Working Knowledge
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TWO 1/24-26	Rules 3.010-3.130 Scope/ Purpose Providing Counsel to Indigents Arrest/Notice to Appear First Appearance Caselaw: waiving counsel; multiple meanings of “arrest”; first encounters with the judge
THREE 1/31- 2/2	Rules 3.131-3.153 Pretrial Release/ Detention Probable Cause Determination Time for Filing Formal Charges Indictment or Information Consolidation of Related Offenses Severance of Offenses or Defendants Caselaw: judicial power v. the rules; bond hearings; police and prosecutor functions
FOUR 2/7-9	Rules 3.160-3.180 Arraignment/Pleas Plea Discussions and Agreements Acceptance of Guilty or Nolo Contendere Pleas Presence of Defendant Caselaw: what “of record” means and why it is important; free, knowing, and voluntary v. coerced
FIVE 2/14-16	Rules 3.190- 3.200 Pretrial Motions Evidentiary Motions (Suppression) Speedy Trial Motions for Rehearing Notice of Alibi Caselaw: timeliness; facial sufficiency; threshold evidentiary burdens; dispositive motions
SIX	FIRST CLASS DAY OF THE WEEK: Quiz #1 (2/21)

2/23	Remainder of week Six: Rules 3.210-3.219 Competency and Sanity Caselaw: Mental health issues in the criminal system; expert witnesses; privileges; psychotropic medications
SEVEN 2/28- 3/2	Rules 3.220-3.290 Discovery Accused as a Witness Right to Trial by Jury Waiver of Jury Trial Caselaw: relationship between burdens and discovery obligations; strategic disclosures v. required disclosures; constitutional protections v. rule-based protections
EIGHT 3/7-9	Rules 3.300-3.430 Voir Dire Time/Exercise/Manner of Challenge Peremptory Challenges Motions for Judgment of Acquittal Jury Instructions/ Jury requests Caselaw: judicial discretion; rights of litigants in voir dire; legal sufficiency v. credibility; juror-friendly trials; constitutionally impermissible arguments
BREAK	Spring Break March 13-17, ENJOY
NINE 3/21-23	First Hour: Rules 3.440-3.640 Verdicts Post-trial Motions Grounds for a New Trial Granting a New Trial Caselaw: juror remorse; second-guessing; second chances; required showing; standard of review

TEN 3/28-30	<u>QUIZ #2, 3/28</u> 3/30: Rules 3.650--3.700 Judgment Petitions to Seal or Expunge Sentencing Caselaw: elements v. sentencing factors; proper v. improper sentencing factors; judicial discretion v. judicial fact-finding
ELEVEN 4/4-6	Rules 3.701-3.800 Sentencing Guidelines Motions to Correct/Modify/Reduce Sentences Caselaw: evidence and interpretation; judicial discretion
TWELVE 4/11-13	Rules 3.801-3.850 Correction of Jail Credit Motions for Post-conviction Relief Caselaw: standard of practice; strategic decisions v. incompetence Motion Practice Discussion
THIRTEEN 4/18-20	4/18: Rules: Catch-up and Review Skills Exercise: Motion practice Review of sample motions Issue spotting (rights, rules, violations) Researching (broad to narrow) Drafting a facially sufficient, compelling motion <u>FINAL QUIZ 4/20</u>
FINAL WEEK	Motions Due by 5pm Final Day of Exam Period

University of Florida Policies:

ACADEMIC HONESTY

Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Student Honor Code at:

<http://www.dso.ufl.edu/students.php>

CLASS RECORDING

Class Recording Policy: "Students are allowed to record video or audio of class lectures. However, the purposes for which these recordings may be used are strictly controlled. The only allowable purposes are (1) for personal educational use, (2) in connection with a complaint to the university, or (3) as evidence in, or in preparation for, a criminal or civil proceeding. All other purposes are prohibited. Specifically, students may not publish recorded lectures without the written consent of the instructor. A "class lecture" is an educational presentation intended to inform or teach enrolled students about a particular subject, including any instructor-led discussions that form part of the presentation, and delivered by any instructor hired or appointed by the University, or by a guest instructor, as part of a University of Florida course. A class lecture does not include lab sessions, student presentations, clinical presentations such as patient history, academic exercises involving solely student participation, assessments (quizzes, tests, exams), field trips, private conversations between students in the class or between a student and the faculty or lecturer during a class session. Publication without permission of the instructor is prohibited. To "publish" means to share, transmit, circulate, distribute, or provide access to a recording, regardless of format or medium, to another person (or persons), including but not limited to another student within the same class section. Additionally, a recording, or transcript of a recording, is considered published if it is posted on or uploaded to, in whole or in part, any media platform, including but not limited to social media, book, magazine, newspaper, leaflet, or third-party note/tutoring services. A student who publishes a recording without written consent may be subject to a civil cause of action instituted by a person injured by the publication and/or discipline under UF Regulation 4.040 Student Honor Code and Student Conduct Code.

UNIVERSITY POLICY ON ACCOMMODATING STUDENTS WITH DISABILITIES:

Students requesting accommodation for disabilities must first register with the Dean of Students Office (<http://www.dso.ufl.edu/drc/>). The Dean of Students Office will provide documentation to the student who must then provide this documentation to the instructor when requesting accommodation. You must submit this documentation prior to submitting assignments or taking the quizzes or exams. Accommodations are not retroactive. Therefore, students should contact the office as soon as possible in the term for which they are seeking accommodations.

NETIQUETTE: COMMUNICATION COURTESY:

All members of the class are expected to follow rules of common courtesy in all email messages, threaded discussions and chats.

COURSE EVALUATION:

Students are expected to provide feedback on the quality of instruction in this course by completing online evaluations at <https://evaluations.ufl.edu>. Evaluations are typically open during the last two or three weeks of the semester, but students will be given specific times when they are open. Summary results of these assessments are available to students at <https://evaluations.ufl.edu/results/>

Other resources are available at <http://www.distance.ufl.edu/getting-help> for:

- Counseling and Wellness resources
- Disability resources
- Resources for handling student concerns and complaints
- Library Help Desk support