

University of Florida Levin College of Law
Criminal Law, Sec. IV Syllabus **Fall 2008**

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Tue., Wed., Thur., 2:00-2:50pm, Room 355C

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PLEASE READ THESE INSTRUCTIONS WITH CARE

Introduction

This class proposes to introduce students to general principles of the substantive criminal law. Major topics include (1) the justification for punishment, (2) the definition of criminal conduct, (3) rape, (4) homicide, (5) the significance of resulting harm, (6) group criminality, and (7) the grounds for exculpation.

TWEN

I expect students to register for two TWEN classes — (1) “Criminal Law, Section IV” and (2) “Clark Office Hours Sign-Up Sheet” — and to supply them both with a valid e-mail address.

Readings

The primary text for this course is Sanford H. Kadish and Stephen J. Schulhofer, *Criminal Law and its Processes* (8th ed. 2007). Reading assignments from this book are listed in a separate document, titled “Readings,” posted to the TWEN class “Criminal Law, Section IV” under the “Syllabus” heading. For several of the reading assignments, I have distinguished between readings which should be read with great care (“high”) and those serving essentially as background material (“medium” and “low”). Those readings without a designation should be regarded as “high.” I reserve the right to modify these assignments as the semester progresses. Please pay careful attention to the revision date noted at the bottom of the “Readings” document. As the semester progresses I might post additional recommended or required readings to TWEN under the “Course Materials” heading. For the first class please read from Kadish and Schulhofer pages 67–73 (low), 73–78 (high), and 79–105 (med.), and come prepared to discuss the case found on pages 73–78 with reference to the readings on pages 79–105.

Study Guides

I would also encourage you, as you prepare for both individual class sessions and the end-of-semester exam, to take advantage of the many commercially available hornbooks and study guides. In conjunction with our in-class discussions and your out-of-class study groups, these can be useful in filling the inevitable gaps. Because many students find Joshua Dressler’s *Understanding Criminal Law* helpful, I have listed this as a recommended text. I have also made available for your use on TWEN a number of interactive on-line review lessons prepared by the Center for Computer-Assisted Legal Instruction, a.k.a. CALI. The password for their use can be obtained from the library’s reference desk. Please note that there are many other perfectly fine materials for your review.

Office Hours

Tuesdays, Wednesdays, and Thursdays, from 11:00-11.30am and 3:00-3.30pm. It is not necessary to have an appointment. Priority will be given, however, to those students who make appointments via the TWEN class “Clark Office Hours Sign-Up Sheet.” I have scheduled these at ten-minute intervals. Feel free to sign up for an additional ten minutes if you think it appropriate. I would also encourage you to come at other times, with or without an appointment.

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In addition to my office hours, I will be happy to answer your questions via e-mail. I will post my answers, along with your anonymized questions, to the forums found on the TWEN class “Criminal Law, Section IV.” Students are encouraged to post follow-up questions to my answers. In my experience, I have found this venue particularly useful to students in the hectic weeks leading up to the exam.

Grading

A student’s grade will be based primarily on the quality of his final exam. I also expect to make upward or downward adjustments to the final grade on the basis of the quality of the student’s contributions to the classroom discussion.

Participation

Your thoughtful participation in class is critical to its success. To ensure that all have the opportunity to contribute, only one-third of the students will be “on call” in any given session. Each student will be assigned to a group — A, B, or C — and each class session will have a designated group. I will make group assignments by the end of the first week of class. Prior to that time all students will be on call. I will at the start of each class select at random those students I will call upon that day. Selection one week does not preclude selection the next. Because the reading schedule itself is subject to change, I might make adjustments to the “on-call” assignments as classes are dropped or added.

Exam

The exam is three hours long and will take place on December 12, 2008 at 1:00pm. You will be responsible for all issues raised in the assigned readings, whether or not they are discussed in class. You will also be responsible for all issues raised in class, whether or not they are covered in the assigned readings. Later in the semester I will post sample exam instructions from a past exam, one question from it, and several high-scoring answers to this question to the “Course Materials” section of the TWEN class “Criminal Law, Section IV.” I expect that the instructions for and format of your exam will largely resemble this one.

Credit

A passing grade in this class will result in the award of three credits.

Etiquette

Students are expected to refrain from activities that could distract themselves or others from the discussion. These include, among others, e-mail and instant-message communication, internet browsing, side conversations, game playing, and eating. To facilitate compliance, I would request that students turn off and put away all electronic devices before class begins. This prohibition includes but is not limited to laptop computers, cell phones, PDAs, and pagers.

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Readings

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DATE	SES.	CALL	READING	PREP.	TOPIC	CALI LESSONS
Tue., Aug. 26	1	All	67-73 73-78 79-105	low high med.	I. The Justification for Punishment A. What is Punishment? B. Blame and Punishment C. Why Punish?	Punishment: Theories
Wed., Aug. 27	2	All	182-92		II. Defining Criminal Conduct A. Actus Reus 1. Voluntary Acts	Concurrence Minimum Culpability Reqs.
Thur., Aug. 28	3	All	192-206		2. Omissions	Actus Reus
Tue., Sept. 2	4	B	213-22		B. Mens Rea 1. Common Law	
Wed., Sept. 3	5	C	222-33		2. Model Penal Code	The Mens Rea of Knowledge The Mens Rea of Negligence The Mens Rea of Purpose The Mens Rea of Recklessness
Thur., Sept. 4	6	A	234-39 239-46 246-48	high low high	3. Mistake of Fact	
Tue., Sept. 9	7	B	248-57 262-67	high med.	4. Strict Liability	
Wed., Sept. 10	8	C	267-77		5. Mistake of Law	
Thur., Sept. 11	9	A	277-87 287-90	high low	Mistake of Law (cont.)	Mistake as to the Law Defining the Offense Mistake Under the MPC: Elements of Offenses Ambiguous Culpability Requirements

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DATE	SES.	CALL	READING	PREP.	TOPIC	CALI LESSONS
Tue., Sept. 16	10	B	291-96	low	III. Rape	
			296-302	low	A. Perspectives	
			302-318	high	B. Statutory Frameworks	
					C. Actus Reus	
					1. Force and Resistance	
Wed., Sept. 17	11	C	318-31	high		2. Eliminating the Force Requirement
			331-37	low		3. Absence of Consent
Thur., Sept. 18	12	A	342-54	high	D. Mens Rea	Consent
			354-56	low	E. Reform	
Tue., Sept. 23	13	B	373-80	low	IV. Homicide	
			381-90	high	A. Intentional Killings	
					1. Premeditation	
Wed., Sept. 24	14	C	390-401			2. Provocation
Thur., Sept. 25	15	A	401-410			Provocation (cont.)
Tue., Sept. 30	16	B	410-26		C. Unintended Killings	
					1. The Creation of Homicidal Risk	
					a. Involuntary Manslaughter	
Wed., Oct. 1	17	C	426-35			b. Murder
Thur., Oct. 2	18	A	435-47			2. Felony Murder
					a. The Basic Doctrine	
Tue., Oct. 7	19	B	447-52	high		b. Limitations
						Introduction to Homicide

DATE	SES.	CALL	READING	PREP.	TOPIC	CALI LESSONS
			452-57 457-66	high low		1. Inherently Dangerous Felonies 2. The Merger Doctrine 3. Killings Not "In Furtherance"
Wed., Oct. 8	20	C	509-523		V. Significance of Resulting Harm A. Causation 1. Foreseeability and Coincidence	
Thur., Oct. 9	21	A	523-38		2. Subsequent Human Actions a. Intended to Produce the Result	
Tue., Oct. 14	22	B	538-44		b. That Recklessly Risk the Result	Causation
Wed., Oct. 15	23	C	544-54		B. Attempts 1. Mens Rea	The Mens Rea of Attempts
Thur., Oct. 16	24	A	554-65		2. Preparation	
Tue., Oct. 21	25	B	565-70 571-74		Preparation (cont.) 3. Solicitation	
Wed., Oct. 22	26	C	575-88		4. Impossibility	
Thur., Oct. 23	27	A	589-92 592-604	low high	VI. Group Criminality A. Accountability for the Acts of Others 1. Introduction 2. Mens Rea	
Tue., Oct. 28	28	B	604-616		Mens Rea (cont.)	
Wed., Oct. 29	29	C	616-23		3. Actus Reus	

DATE	SES.	CALL	READING	PREP.	TOPIC	CALI LESSONS
			623-27		4. Derivative Liability	
Thur., Oct. 30	30	A	663-76	low	B. Conspiracy	
			677-87	high	1. Overview 2. Accessorial Liability	
Tue., Nov. 4	31	B	687-95 695-704		3. Actus Reus 4. Mens Rea	The Mens Rea of Purpose
Wed., Nov. 5	32	C	704-715		5. Scope of the Conspiracy	
Thur., Nov. 6	33	A	737-49		VII. Exculpation A. Justification 1. Protection of Life and Person	
Wed., Nov. 12	34	B	750-76		Protection of Life and Person (cont.)	Battered Woman's Syndrome Defense of Others
Thur., Nov. 13	35	C	777-86		Protection of Life and Person (cont.)	Duty to Retreat Self-Defense
Tue., Nov. 18	36	A	786-98		2. Protection of Property & Law Enforcement	
Wed., Nov. 19	37	B	798-809		3. Necessity	Justification Defenses: Excuse Defenses Dist'd
Thur., Nov. 20	38	C	831-50		B. Excuse 1. Duress	Excuses I: Duress, Entrapment, Mistake
Tue., Nov. 25	39	A	850-63		2. Intoxication	
Wed., Nov. 26	40	B	863-75		3. Insanity	

DATE	SES.	CALL	READING	PREP.	TOPIC	CALI LESSONS
Tue., Dec. 2	41	C	875-89		Insanity (cont.)	Excuses II: Insanity and Infancy
Thur., Dec. 4	42				TBD	