

SYLLABUS
STETSON UNIVERSITY COLLEGE OF LAW

CRIMINAL LAW - SECTION 1

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Fall 2014

Tuesday & Thursday
1:05 - 3:00 P.M.
Classroom A
Four (4) Credits

COURSE DESCRIPTION:

An examination of substantive criminal law. The course will analyze common law concepts as well as statutory revisions.

COURSE MATERIAL:

Criminal Law: Concepts & Practice 3d Edition (Carolina 2013)

OUTSIDE MATERIALS: For those interested in examining outside sources, the following books have been placed on reserve in the library:

Joshua Dressler, *Understanding Criminal Law 5th & 6th Edition* (LexisNexis 2009)

Podgor, Henning, Cohen, *Mastering Criminal Law* (Carolina 2009)

ATTENDANCE:

Regular attendance at class sessions is required. Please familiarize yourself with the College's attendance policy as it applies for this class.

There will be no break in this class.

There will be no class on Thursday, September 18, 2014 and Thursday, November 13, 2014.

There will be a makeup class on Friday, October 17, 2014 from 1:00-3:00 p.m. There will be one other required attendance of a program that has been tentatively scheduled for Wednesday, October 1, 2014 from 5:00-6:00 p.m. Please email me if you are unable to make either of these two classes.

On Thursday, September 25, 2014 the class will be viewing a video. If you are unable to make that class, please see me as I will be scheduling an alternate time for viewing this video.

TWEN:

There is a TWEN site for this course that has old exams, some web links, and a discussion board. The password for entry into the site is: **Punishment**. Please feel free to post comments related to the course material or class discussion. Please make certain that your comments are respectful of others.

TAPING:

You are not permitted to tape this class.

MAKE-UP EXAMINATION:

Arranged through the Office of the Associate Dean in accordance with policies stated in the College of Law Bulletin.

OFFICE HOURS:

Open Door Policy.

My office is located on the Second Floor in Crummer Hall. On rare occasions there is a dog in my office. If you would prefer to meet with me without the dog being present, just let me know in advance and I will accommodate this request. If you would like to schedule a specific appointment time, please email me (epodgor@law.stetson.edu) and I would be happy to set an appointment time with you. **Please make certain you put Criminal Law in the subject line of all emails sent to me.**

GRADING:

Your grade will be based on a **closed book** examination at the time scheduled by the law school. The examination will be part essay and part multiple choice and/or true-false questions. The examination will cover material from class and also material that is in the assigned readings that might not be covered in class. I will increase the final grade by .25 for any student(s) whose overall class participation (which includes participation on the discussion board) I deem extraordinary. I reserve the right to lower a grade by .25 for unpreparedness, tardiness, and absences.

There will be a practice midterm given during the semester. It will not count in your final grade, but can be used to help you assess your progress in the course.

PREPARING FOR CLASS:

It is important that you read the assigned material prior to class. In the beginning of the semester our approach will be to focus more on the cases and on statutory material, although we will occasionally do problems or a case study. As the semester progresses we will move to a more problem approach.

CLASS

TOPIC

ASSIGNMENT

1 & 2

Punishment

Text pp. 1 - 46

CLASS
3 & 4

TOPIC
Interpreting Criminal Statutes

ASSIGNMENT
Text pp. 47-77

Innocence

Select one Individual who was exonerated on an innocence claim after serving at least five years in prison. See Innocence Project - <http://www.innocenceproject.org/know/Browse-Profiles.php> or Medill Innocence Project - <http://www.medillinnocenceproject.org/home> Be prepared in class to actually be that individual and explain in approximately 1-2 minutes what went wrong in your case.

Proving the Case

Background Reading- Text pp. 263 (starting with § 7.03) - 277 (Up to Case Study Three)

5

Actus Reus

Text pp. 79-101

6, 7, & 8

Mens Rea

Text pp. 103-133 (up to Worthy); 138 (starting w/ § 4.04) - 174 (Up to Case Study Two)

9

Causation

Text pp. 177-181(Up to Oxendine); 186 (starting w/ Model Penal Code) - 199

10

Concurrence and Proof

Text pp. 201-231

11, 12, & 13

Homicide

Text pp. 279-344

| <u>CLASS</u> | <u>TOPIC</u> | <u>ASSIGNMENT</u> |
|--------------|--|--|
| 14 | Rape | Text pp. 345-358 (Up to Notes and Questions); 371 (starting with Notes and Questions) - 371 (Up to Note 7); 384 (starting with § 9.06)- 387 (Up to § 9.07) |
| 15 | Theft & Property Offenses | Text pp. 395-434 |
| 16 & 17 | Attempt Solicitation | Text pp. 435-472 473-480 (Up to § 12.03) |
| 18 | Conspiracy | Text pp. 489-519 |
| 19 | Accessory Liability | Text pp. 521-541 |
| 20 | Defenses Entrapment | Text pp. 545-573 Text pp. 653 -663 |
| 21 & 22 | Defending Self, Others & Property | Text pp. 575-631 |
| 23 | Necessity & Duress | Text pp. 633-651 |
| 24 | Insanity & Diminished Capacity Intoxication | Text pp. 667 - 697 699-716 |
| 25-26 | Criminal Law Perspectives & Review | |

The course syllabus provides a general plan for the course; deviations may be necessary.