

SYLLABUS
STETSON UNIVERSITY COLLEGE OF LAW
CRIMINAL LAW - SECTION 3

Ellen S. Podgor

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Fall 2017

Monday & Wednesday

10:05 -11:55 a.m.

Classroom D

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:

Required: *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, & 7th Ed.* (LexisNexis/Carolina)

Podgor, Henning, Cohen, *Mastering Criminal Law 2d Ed.* (Carolina Academic Press 2015)

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.

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.**

TEACHING ASSISTANTS:

Alison E. Preston - apreston@law.stetson.edu

Todd P. Scholl - tscholl@law.stetson.edu

LEARNING OUTCOMES:

The following are the specific learning outcomes for this course:

1. Gain a strong grounding in the traditional doctrines of criminal law including the subjects that are most often covered on the bar exam;
2. Understand the essential terminology of criminal law as well as the basic rationales underlying criminal law rules;
3. Understand the core ethical and professionalism issues involved in criminal law and prosecutorial decision making;
4. Gain a strong understanding of the doctrine and theory of criminal law including general foundations of criminal law such as principles of punishment and statutory interpretation;
5. Be familiar with criminal law concepts of actus reus, mens rea, and causation;
6. Be familiar with the crimes of homicide, rape, the law of accomplice liability;
7. Understand the dynamics involved in criminal law defenses of defending self, others, and property, insanity, and intoxication;
8. Have the ability to analyze and dissect statutes;
9. Gain an awareness of the interplay of criminal law with other substantive areas of law;
10. Gain a level of the framework of criminal justice to prepare for related upper level courses that depend on the foundations of the basic criminal law course.

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 class on Wednesday, October 18, 2017. Instead a portion of this class will be held as part of Family and Friends Day on Friday, October 20, 2017. The class will be in the afternoon in the Great Hall, and you will be notified of the time of the class prior to that date. Additionally, our class sessions will include a lunchtime Prosecution-Public Defender panel in the Great Hall on September 13, 2017. Finally, we will also have class from 12:15-1:00 P.M. on November 8, 2017 for a presentation by Hon. Irene Sullivan.

ACCOMMODATIONS:

In keeping with College of Law policies regarding ADA Accommodations and ESL Testing Modifications, students with disabilities or foreign students may seek reasonable accommodations and/or ESL testing modifications for this course. Accommodations and/or modifications cannot be made unless written notice is provided from the ADA Coordinator to me.

If you believe you fall into one or both of these categories, you must communicate with the ADA Coordinator, as soon as possible, by emailing ADA@law.stetson.edu and follow the appropriate request procedures found on the [Accessibility Resources](#) pages of the College of Law website.

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 may 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, as well as other possible assessments. They will not count in your final grade, but can be used to help you assess your progress in the course.

MAKE-UP EXAMINATION:

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

TAPING:

You are not permitted to tape this class.

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

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.

<u>CLASS</u>	<u>TOPIC</u>	<u>ASSIGNMENT</u>
3 & 4	Interpreting Criminal Statutes	Text pp. 47-77 Yates Case (TWEN)
	Proving the Case	B a c k g r o u n d 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. 103-126; 131 (starting with N o t e s a n d Questions) -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
14	Rape	Text pp. 345-358 (Up to Notes and Questions); 371 (starting with Notes and Questions) - 374 (Up to Note 7); 384 (starting with § 9.06)- 387 (Up to § 9.07)

<u>CLASS</u>	<u>TOPIC</u>	<u>ASSIGNMENT</u>
15	Theft & Property Offenses	Text pp. 395-434
16	Attempt	Text pp. 435-464
17 & 18	Solicitation Conspiracy	Text pp. 473-480 (Up to § 12.03) Text pp. 489-519
19	Accessory Liability	Text pp. 521-541
20	Defenses Entrapment	Text pp. 545-566; 571 (starting with N o t e s a n d Questions)-573 (Up to Problem 50) Text pp. 654 (starting with § 18.02)-663
21 & 22	Defending Self, Others & Property	Text pp. 575-631
23	Necessity & Duress	Text pp. 633-651
24 & 25	Insanity & Diminished Capacity Intoxication	Text pp. 667 - 697 699-716
26	Criminal Law Perspectives & Review	

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