

## **SYLLABUS**

STETSON UNIVERSITY COLLEGE OF LAW

### **CRIMINAL LAW**

PROFESSOR ELLEN S. PODGOR

Office: (727) 562-7348

E- Mail: epodgor@law.stetson.edu

Spring 2010

Monday & Wednesday

3:10 - 4:35 P.M.

Classroom G

Three (3) 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 2d Edition* (Carolina 2008)

OUTSIDE MATERIALS: For those interested in examining outside sources, the recommended books (available in the library) are:

Joshua Dressler, *Understanding Criminal Law 4th* (LexisNexis 2006)

Podgor, Henning, Cohen, *Mastering Criminal Law* (Carolina 2008)

#### **ATTENDANCE:**

Regular attendance at class sessions is required. The College's attendance policy applies for this class.

The College's regular attendance policy requires that students attend at least 80% of all class sessions. Unless extraordinary circumstances exist [requires approval of Associate Dean Bauer], students who overcut a class may not sit for the final examination. If a student adds a course, any of the initial days he or she missed in that class are counted as absences. The 80% policy works as follows:

. . . In a three-credit course, a student may miss up to 7.5 (55-minute) hours of class.

There will be no break in this class.

**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: PODGOR. 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.

**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.

**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.

<u>CLASS</u>	<u>TOPIC</u>	<u>ASSIGNMENT</u>
1 & 2	Punishment	1 - 41 (up to Crawford); 42 (starting w/ Case Study One - 45)
	Criminal Statutes	47-53 (up to § 2.03)
3	Interpreting Criminal Statutes	53 (starting w/ § 2.03) - 58(up to Donaldson); 61 (starting w/Note 2)- 76 (up to Case Study Two)
	Proving the Case	229 (starting w/ A)-230 (Up to B)  Background Reading- 259-272 (skip the problems)
	Innocence	Select one Individual who was exonerated on an innocence claim after serving at least five years in prison. See Innocence Project - <a href="http://www.innocenceproject.org/know/Browse-Profiles.php">http://www.innocenceproject.org/know/Browse-Profiles.php</a> or Medill Innocence Project - <a href="http://www.medillinnocenceproject.org/home">http://www.medillinnocenceproject.org/home</a> Be prepared in class to be that individual and tell the class what went wrong in your case.
4	Actus Reus	81-101
5, 6 & 7	Mens Rea	103-124 (up to § 4.03); 128 (starting w/ Notes & Questions) -130 (Up to Worthy); 135 (starting w/ § 4.04) - 169 (Up to Case Study Two)

<u>CLASS</u>	<u>TOPIC</u>	<u>ASSIGNMENT</u>
8	Causation	173-176; 182 (starting with Model Penal Code) -188 (Up to Problem Thirteen); 194 (Note Only)
9	Concurrence and Proof	197-227
10, 11, & 12	Homicide	275-335
13	Rape	337-379 (Up to § 9.07)
14	Theft & Property Offenses	387-426
15 & 16	Attempt Solicitation	427-454 465-472 (Up to § 12.03)
17	Conspiracy	481-509
18	Accessory Liability	511-531 (Up to Case Study Six)
19	Defenses Entrapment	535-569 650 (starting w/ § 18.02) -656 (Up to Foster); 627 (§ 2.13 Only)
20 & 21	Defending Self, Others & Property	571-627
22	Necessity & Duress	629-647
23	Insanity & Diminished Capacity	667 - 696
24	Intoxication	697-717
25 & 26	Criminal Law Perspectives & Review	

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