

FLORIDA A & M COLLEGE OF LAW

Criminal Law Syllabus Summer 2015

Course 5100, Class 2083, Section 301, Room 255, MW 7:30 p.m.– 9:15 p.m.

- Professor: S. N. Persaud, Esq.
Email: shiv.persaud@famu.edu
Text: Criminal Law and its Processes, Kadish et. al, Aspen Publishers
- Objective: The objective of this course is to introduce you to substantive criminal law; from statutory, common law and model code sources, and to explore the factors which are necessary to hold a person criminally liable for his or her action or inaction, including the theoretical, philosophical and policy considerations underlying the criminal justice system. Coverage further includes the different purposes of criminal law, criminal responsibility, theories of punishment, crimes against person and property, and defenses to culpability.
- Attendance: Class attendance is mandatory. You are allowed the maximum number of administrative absences according to the most current student handbook as of the start of class in order to qualify for a final grade. You are solely responsible for ensuring that you have received credit for your attendance by signing the roll. *Entering or leaving class while it is in session without express permission for at least 45 minutes is not permissible at any time during the course for any reason and under any circumstances. Such a practice would be considered and designated as an absence. You are allowed one emergency break within the 45 minute period.* You are expected to be seated at the start of class. Being late to class for any period of time may result in an unexcused absence, irrespective of a signed roll. In the event that you are late to class more than 10 min. for any reason, this may result in a (10) point deduction from your final grade for each and every occurrence. Any issue with regard to a failure to sign the roll or an unsigned roll may result in an automatic ten (10) point deduction from your final grade. Whether you are late or use an emergency break, you must notify me immediately after class.
- Grading: The course will be graded according to your performance on the final, participation and the College of Law's requirements. You are responsible for learning the material as discussed in class. On the final, you will be responsible for answering questions using the common law, the model penal code, or statutory homicide law.
- Recording: Taping of the class is not permitted, including audio, digital, or other means.
- Laptops: The use of a laptop or electronic device is not permitted in the classroom.
- Internet: Use of the Internet or a cell phone for any reason is not permitted during class by any means. Such a practice would be considered and designated as an absence and you may be asked to leave the classroom.
- Participation: Preparation is mandatory. There is no talking during class unless recognized. *You are required to participate in class discussion in order to qualify for a final*

grade. You are responsible for all of the cases and reading, including critically evaluating the material, consulting with other non-commercial sources if necessary for such understanding. In addition, you are responsible for being prepared to recite, at random, an argument briefing for each specific case listed below. In the event you are asked to recite the facts of a case in class, you may be required to verbally utilize the IRAC method, which shall include the significant facts, issues and court reasoning/ analysis. Every student must further be prepared to answer questions, and argue the case on your own for either side (note that more than one person may be called upon to present the same case). You will receive a grade level reduction per instance for failure to be prepared or underprepared, as determined by the professor. In other words, if your grade on the exam is a B, your final grade will be a B- or if your exam grade is a B-, your final grade will be a C+. An incomplete may also result in the event that you are not thorough in your analysis.

Policy Statement on Non-Discrimination

It is the policy of Florida Agricultural and Mechanical University to assure that each member of the University community be permitted to work or attend classes in an environment free from any form of discrimination including race, religion, color, age, disability, sex, marital status, national origin, veteran status and sexual harassment as prohibited by state and federal statutes. This shall include applicants for admission to the University and employment.

Academic Honor Policy

The University's Academic Honor Policy is located in the FANG Student Handbook, under the Student Code of Conduct- Regulation 2.012 section, beginning on page 55-56.

ADA Compliance

To comply with the provisions of the Americans with Disabilities Act (ADA), please advise the instructor of any accommodations required to insure participation in this course. Documentation of disability is required and should be submitted to the Learning Development and Evaluation Center (LDEC). For additional information please contact the LDEC at (850) 599-3180.

Schedule:

You are responsible for reading the assigned cases, with a working familiarity with the entire chapter material. This is an outline, which may be revised as the course progresses, as the progression of the course will mainly follow the case presentation schedule attached, (ie, the class discussion of the cases below may determine the progression of the course). **We will not discuss any future chapters during any lecture** as it may lead to confusion with the current material.

Please note that these policies are subject to change.

WEEK	MATERIAL
(1) May 13-18	Chapter 1 – Introduction and Processes Chapter 2 – The Justification of Punishment
(2) May 20-27	Finish Chapter 2; Chapter 3 – Defining Criminal Conduct
(3) June 1-3	Finish Chapter 3
(4) June 8-10	Chapter 4 – Rape Chapter 6 – The Significance of Resulting Harm (before Attempt)
(5) June 15-17	Finish Chapter 6; Chapter 5 – Homicide
(6) June 22-24	Chapter 5 – Homicide
(7) June 29-July 1	Chapter 6 – Attempt & Solicitation
(8) July 6-8	Chapter 7 – Group Criminality
(9) July 13-15	Chapter 9 – Theft
(10) July 20-22	Chapter 8 – Exculpation

Criminal Law Case Schedule

After each class, you should be prepared to discuss four new line of cases down the list for the next class (eg., the class discussion reaches the Cunningham case, you should be prepared for Jewel, Mochan & McBoyle, Keeler and Morales by the following class):

Chapter 2
Gementera

Chapter 7
Pinkerton
Hayes

Chapter 3
Ewing

Chapter 2
Cunningham
Jewel
Mochan & McBoyle
Keeler
Morales
Regina v. Dudley
Martin
Jones & Pope
Regina v. Prince
Marrero & Cheek

Chapter 4
Rusk
In the Interest of MTS
Evans

Chapter 5
Caroll & Guthrie
Maher
Casassa & Malone
Welanski
(*Be familiar with Phillips and Burton*)
Canola

Ch. 6 Note – Although there are no assigned Attempt or Soliciation cases, you are responsible for knowing the case material.