

CRIMINAL LAW - FALL 2016

FLORIDA A&M UNIVERSITY COLLEGE OF LAW

Professor Omar Saleem

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The Course Criminal Law explores the factors necessary to hold a person criminally liable for his or her actions or inactions. Students learn the elements of common law and statutory crimes, which include crimes against persons, property and habitation. We will examine common defenses and excuses, key sections of the Model Penal Code (MPC) and Florida Statutes along with the theoretical, philosophical and policy considerations underlying the crimes and the criminal justice system.

COURSE PREREQUISITE:

None

TWEN

There is a WESTLAW TWEN page for this course. TWEN is used to send class-related announcements and to distribute additional materials. You are required to sign up on TWEN for this course.

REQUIRED READINGS

Text book: Bloch and McMunigal, Criminal Law: A Contemporary Approach: Cases, Statutes and Problems (Aspen 2005). Additional handouts will be assigned.

Students are responsible for all issues raised in the assigned readings, whether or not they are discussed in class. Students will also be responsible for all issues raised in class, whether or not they are covered in the assigned readings.

Note: Reading assignments are subject to change

OFFICE HOURS AND CONTACT INFORMATION:

Office hours will be posted. Because you have a tight evening schedule feel free to email me to schedule an appointment. In addition, if you have any questions you may use email to communicate with me, and I will do my best to promptly respond. Please note that I do not answer substantive questions by email because it is more helpful to discuss such questions in person. If your question is of general interest it will be shared with the class.

CLASS RULES AND INFORMATION

- Regular and punctual class attendance is required. Late arrival is not allowed. The attendance Policy is governed by the rules in the Student Handbook. Please be aware that I do not have the discretion to excuse absences.
- A student's final grade will be based primarily on the quality of any examination(s). In class "surprise" assignments or examinations are possible. I reserve the right to increase grades based on consistent and high quality class participation, and to lower grades, or assign a failing grade, based on lack of preparation or effort in class or a lack of professional conduct or discourteous conduct.
- Etiquette: Students must refrain from activities that could distract themselves or others from discussions. Such activities include, among others, email and other instant message communication (including texting), Internet browsing, side conversations or comments, game playing, and eating. In order to facilitate compliance, Students are required to 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. No taping of the class is permitted.
- Failure to complete or submit entire exam will result in a failing grade in the course.

COURSE OUTLINE Class

Students are required to do Florida-related assignments for each section. Failure to timely submit the Florida assignment and/or any writing assignment will result in a failed grade for the course. Any extensions must be requested and approved no less than 24 hours before the time due via omar.saleem@famu.edu

- Day One: Introduction & course overview
- What is Punishment: pages 23-34
- Why Punish/theories of Punishment: pages 34-60; **read also** 532-535(Dudley)
- How much Punishment: pages 74-90 and practice writing assignment
- Making Criminal Law (legislators, judges, Jury): page 91-106,119-130
- Conduct: pages 165-207
- Mental States: page 209-242 **read also**, Staples v. United States 511 U.S. 600 (1994) at <https://www.law.cornell.edu/supct/html/92-1441.ZO.html>
- Mistake: pages 243-269

- Willful Blindness, Conditional Intent & Intoxication: pages 269-296
- Homicide: Premeditation & Deliberation: pages 323-334
- Homicide: Provocation: pages 334-362
- Homicide: Reckless & negligent: pages 362-376; 392-399
Felony Murder (& misdemeanor Manslaughter) pages 399-433
- Causation: pages 475-496
- Attempt: pages 663-700
- Solicitation: pages 700-712
- Conspiracy: pages 749-790
- Rape: cases will be assigned (includes Mock Rape Trial)
- Theft: pages 791 - 825
- Justification & Excuses: Self Defense & Defense of others: pages 497-528
Justification & Excuses: Necessity and Duress: Pages 528-553
Justification & excuses: Insanity pages 553-569