



I. Course Information

Course: LAW 0670 - Criminal Law

Semester and Year: Fall 2017

Course Start and End Dates: 08/21/2017 - 12/10/2017

Course CRN and Section: 21932 L01

Building and Room: Shepard Broad Law Center - LECTR1

II. Instructor Information

Name: Khan, Shahabudeen

Email: shahabud@nova.edu

Office Hours:

11:00 a.m. to 1:00 p.m. Mondays & Wednesdays; and by appointment during the other days of the week. I am also available through email and the course's TWEN page.

III. Class Schedule and Location

Day	Date	Time	Location	Building/Room	Type
MW	08/21/2017 - 12/10/2017	9:00 AM - 11:00 AM	Ft Lauderdale/Davie Campus	Shepard Broad Law Center-LECTR1	CLAS
M	11/27/2017 - 11/27/2017		Ft Lauderdale/Davie Campus	Exam-EXAM	EXAM

IV. Course Description

This course examines the basic principles of American criminal law: definition of crimes, criminal responsibility, defenses, proof, and punishment. This is a required course.

V. Learning Outcomes

Students completing this instructional offering are expected to:

1. Demonstrate a knowledge of substantive legal doctrine fundamental to this course (e.g., case law, legal concepts, legal principals, regulations and statutes).
2. Identify legal issues and apply legal reasoning and analysis to solve problems in a logical and structured manner to issues covered in this course.
3. Communicate orally or in writing, or both, the legal reasoning and analysis regarding issues covered in this course.

VI. Materials and Resources

Section Required Texts and Material:

The following two (2) books are required for this course:

Title: *Cases and Materials on Criminal Law*, Joshua Dressler (5th Edition West Academic)

Please note, purchase the 5th edition.

Author: Joshua Dressler

Publisher: West Academic

Edition: 5th Edition

ISBN-13: 9780314206459

Title: *Understanding Criminal Law*, Joshua Dressler (6th Edition LexisNexis).

Author: Joshua Dressler

Publisher: LexisNexis

Edition: 6th Edition

ISBN-13: 9780769848938

Section Recommended Texts and Materials: Will discuss during the semester.

Section Supplemental Material: Will discuss during the semester.

Book Url: [NSU Book Store](#)

VII. Course Requirements

This course is intended to provide you with: 1) an understanding of the criminal justice system in general; 2) the fundamental concepts of actus reus, mens rea, and causation; 3) the crimes of homicide, rape, attempt, assault, solicitation, conspiracy, larceny, embezzlement, and false pretenses; 4) the basic defenses of justification and excuse; 5) the concepts of accomplice, vicarious, and strict liability; 6) how to analyze criminal cases and statutes; 7) how to identify and precisely articulate legal issues; and 8) how to apply criminal law rules, concepts, and principles to new facts and circumstances.

Additional course requirements include, but is not limited to the following:

1. Briefing Cases

All students are required to read and brief each case assigned. I expect you to use the IRAC method but in the context of the briefing format presented by your Instructor in your Legal Study Skills (LSS) class. As you develop experience, you may modify your briefing form so long as it allows you to be fully responsive in class and maintains the IRAC fundamentals. From time to time during class, I will ask that you email me the brief of a particular assigned case (in the event your brief is not preserved electronically, you will deliver your hard copy to me immediately in class).

2. Class Notes & Outlines

Students are expected to take sufficient class notes to provide a foundation for creating an outline of the course. I offer suggestions (*infra*) about matters that routinely occur in class you should consider noting. You are responsible, however, for maintaining notes that will allow you to make a comprehensive outline. You should also consult your LSS Instructor regarding note taking and outlining. On occasion, I will ask you to email me your notes from that class session (if your notes are handwritten, you will deliver the hard copy to me immediately). I will review the submitted briefs and class notes and evaluate them as Above Expectations (+1); Appropriate (0); or Below Expectations (-1). I anticipate there will be very few Above Expectations and I certainly hope there will be very few, if any, Below Expectations. Any points accumulated (plus *or* minus) will be used in assigning the final course grade *only if* the final examination score is close to a grade cut line. Thus, positive points may raise the final grade; negative points may lower the final grade.

3. Class Participation

All students are expected to attend class and contribute to the class discussion. I will call upon students randomly in order to move the learning process along. To be prepared for each class, you must have studied (not merely have read) the day's assignment sufficiently to be prepared to engage in a thoughtful discussion of the issues it poses. To do that, you must: 1) read and analyze the assigned problems; and 2) read and brief the

cases. Please note, if I call on you and you are not prepared, it may result in your final course grade being lowered. To foster an interesting and engaging group dynamic, I also encourage responsible volunteers who add value to our discussion. In the same vein, I encourage you to ask questions in class. If, because of time constraints, I cannot answer your questions during class, please feel free to meet with me after our session or at any other time that is mutually convenient. Drop by my office during office hours or email me for an appointment.

4. **TWEN**

Each of you will have access to this course in an online format through TWEN. To create additional opportunities to ask questions or address ambiguities, from time to time, I will post questions or problems on TWEN. These added discussions online are *not* required and attendance will *not* be taken. I invite you to drop in on these informal discussions. The great advantage of this format is that you can be anywhere that you have access to the Internet (so long as the ambient noise doesn't interfere with our online conversation!). Be sure you know how to log onto TWEN by your second class.

5. **Multiple Choice and Essay Quizzes**

To provide you somewhat regular feedback on how you are doing and to give me a sense of the progress of the class as a whole, several *mandatory* multiple choice and essay quizzes will be given. In the same vein, several times during the term I will assign a short factual problem that must be answered applying the IRAC method. We will review the problems in the next class. The results of the quizzes and short answer problems will *not* count for *or* against your final grade in the course (however, failure to complete any of the assignments will result in *negative* points). They are designed to let you know if you are keeping pace with the subject matter, if you understand the rules we have discussed, and if you are able to apply the law in a specific fact situation.

6. **Skills Exercises and Experiential Learning**

At the beginning of the semester, each student will be assigned a role of either Prosecutor or Defense Counsel. You will maintain that role during the entire semester. In that capacity, you will represent a client (either the State or a Defendant). You will be required to do the following at various stages of the semester: i) interview the client; ii) conduct pre-trial investigations; iii) conduct pre-trial conferences; iv) draft an information or an answer; v) prepare pre-trial motions; and vii) conduct a plea bargain exercise in an attempt to resolve the case before going to trial. I will provide additional information in class.

7. **Computers and Electronic Equipment in Class**

I encourage you to bring your computer to classes and to use it *responsibly*. On occasion, for example, I will ask you to log onto Lexis or Westlaw and find and read a case (often from Florida) on which I have based a hypothetical problem. There are, of course, inappropriate uses of a laptop (or a "smart" phone) in class: instant messaging, recording the lecture, e-mailing, surfing the Internet, playing games, working on matters that are beyond the material under discussion or review, are some of the many examples of unacceptable behavior. Any member of the class engaging in such computer misconduct will be directed to leave the class and will be marked absent. Please note, your grade may be lowered based on repeated violations of basic classroom computer etiquette. **Please note, no student is allowed to video or audio record my lectures, or take pictures of my class notes or slides without the express permission from me.**

8. **Honor Codes**

Note that all provisions of the NSU Honor Code, the Code of Academic Regulations, the Student Conduct Code and any other NSU Code governing student conduct and responsibilities, apply to this course. Please read them and understand the key provisions that apply to you. If you have any doubt about the meaning or application of any provision of the various Codes, seek assistance. Out of an abundance of caution, I want to emphasize that the following actions are among those that are Honor Code violations:

1. Placing another student's name on the Attendance Sheet;
2. Directing another student to place your name on the Attendance Sheet; and
3. Failing to acknowledge your presence when you are called on in class.

9. **Miscellaneous Requirements and Policies**

Professional Conduct You should behave professionally by treating all members of the class with dignity and respect even when and especially when you disagree. Separate ideas from the people who give them voice; question the idea but respect the person.

Students with Disabilities If you believe you may have a disability for which an accommodation is needed, you should contact the Office of Student Services.

Questions There are no stupid questions until the examination begins. If you have a question that class discussion has not answered, *ask it*. If you think I have misspoken, *raise your hand*. We all misspeak sometimes. If you think I have misspoken, please ask for clarification as soon as possible either during or after class.

VIII. Course Schedule and Topic Outline

Course Schedule:

The reading assignments that follow may be adjusted by me in accordance with the needs of the class. If I fall behind, just keep reading, we will catch up.

Date	Class #/Topic	Pages (casebook) ^[1]	Problems ^[2]
		1 -	-
8/21	1. Introduction to the course; Presumption of Innocence Assign role of either prosecutor or defense counsel ^[3] — <u>Punishment (to be read during the first week of the semester)</u>	1-29 31-33; 34-41; 48-56; 59-69; 72-91.	None
8/23	2. Modern Role of Statutes Punishment and Social Justice Exercise # 1 ^[4]	92-113; 119-126	2-3 p95; 1 p103; 1-2 p109; 6 p110; 1 p125
8/28	3. Actus Reus; Mens Rea (Intro)	127-153	1-2 p128; 2 p133; 6-7 p134; 2 p139; 4 p139; 2 p146; 3-4 p153
8/30	4. Mens Rea (continued)	153-175	1-4 p155-156; 5-6 p158; 1-3 p161; 1-3 p163; 3 p175
9/4	No class	Labor Day	No class
9/6	5. Mens Rea (continued) Interview the client; and conduct pre-trial investigations.	175-193	2 p184; 1-3 p193
9/11	6. Mistake and Mens Rea First MC Quiz	194-213	3-4,6, 8 p196-198; 3 (A&B) pp207-208; 5 p209; 2 p213

9/13	7. Causation First Essay Quiz Draft an information or an answer	214-234	1-3 p219; 1-9 (read 10) pp225-229; 1&4 pp231-232
9/18	8. Homicide: Intentional Murder (Deliberate, Premeditated)	235-264 [238-247] – read statutes carefully; focus on meaning of “person;” See also Florida Statutes §§782.04 & 782.09.	1-2 p252; 3 p253; 3 pp256-257; 6 p258
9/20	Friday Classes Meet Instead	Of Wednesday	Classes
9/25	9. Homicide: Voluntary Manslaughter (Heat of Passion) Social Justice Exercise # 2[5] -	264-271; read <i>AG v. Holley</i> , p 276; 285-292	6 p270; 1 p289
9/27	10. Homicide: Unintentional Unjustified Risks Causing Death (Extreme Recklessness; Recklessness; Criminal Negligence) Prepare pre-trial motions	295-315	4-6 p303; 2 p308; 1-2 p311 (and 6 p313); 9 p315
10/2	11. Homicide: Killings Based Upon Unlawful Conduct (Felony-Murder, Misdemeanor Manslaughter) Second MC Quiz	315-345 [318-327 read and understand the policy debate]	1, 3 p318; 5-6 p333; 1 p341; 4 p342
10/4	12. Plea Bargain Skills Exercise[6] -	Materials will be delivered electronically in advance	In-class skills exercise
10/9	13. Defenses: Justification (Self-Defense)	497-524 [Read carefully p516-524]	1 p505; 9-12 p523-524
10/11	14. Defenses: Justification (Self Defense continued) Social Justice Exercise # 3[7] - -	525-548	4-5 p529; 7-9 p544; 2 p548

10/16	15. Defenses: Justification (Defense of Others, Property, Habitation and Law Enforcement Defenses; Necessity (Choice of Evils)) Third MC Quiz	549-579	3, 4 p 553; 3-7 p557-559; 1-2, 4-6 p565-566; 5-6 p 577-578
10/18	16. Defenses: Excuse (Duress, Intoxication)	579-597; 603-611	6-7, 9-10 p589-591, 5 p597; 2 p603; 3-4 p606-608
10/23	17. Defenses: Excuse (Insanity)	611-618 (background); 618-631 (understanding the tests); 631-650	9 p631; 2,3 p639-642;
10/25	18. Defenses: Excuse (Diminished Capacity, Infancy; Euthanasia, and other "New" Defenses) Social Justice Exercise # 4[8] -	656-662; read <i>Clark v. Arizona</i> , p662; p672-680; p.681-689; read 697-728 (Addiction- Alcoholism, RSB, & Cultural Defense) before end of term	1-2 p670-71; 2, 3, 6 p685-686
10/30	19. Mid Term Exam	Mid Term Exam	In Class
11/1	20. Inchoate Offenses: Attempt (Pre-Attempt Conduct, Special Defenses: Impossibility and Abandonment)	729-789	2 p731; 4, 5-7 pp741-42; 1-2 p743-44; 1-2 p749; 2-3 p751; 1-2 p754; 3 p757; 5 pp7642 p770; 3, 5 pp779-780; 11-12 p785; 2, 4, 5 pp788-89
11/6	21. Inchoate Offenses: Assault, Solicitation, Conspiracy	789-824	2, 4 p795-96; 6 p797; 4 p803; 3-5 p809; 1 p813-14; 3 p824
11/8	22. Inchoate Offenses: Conspiracy continued (Bilateral or Unilateral, Scope of Agreements, Defenses) Second Essay Quiz	824-847	5 p835; 2-3 pp838; 2 p842-43; 1 p847
11/13	23. Accomplice Liability (Mens Rea, Actus Reus)	848-879	3 p854; 2 p857; 2 p862-63; 3 p867; 5 p871; 3 p873; 4 p878
11/15	24. Accomplice Liability (Direct v. Accomplice Liability) Fourth MC Quiz	880-900	1 p891; 1 p894; 1-2 p900
11/20	25. Theft: Larceny	916-941	1-2 p920; 5-6 p922; 1 p926; 1-2 p929; 3-4 p932; 2 p934

11/22	26. Theft: Embezzlement, False Pretenses, Rape Final Exam Review	941-957; 385-395; 404-421	2 p944-45; 2 p946; 1 p949-50
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This Syllabus is subject to changes and modifications during the semester.

[1] All assigned readings and case briefs must be completed before the class, not during or after the class.

[2] Assigned problems, like assigned cases, require preparation in advance of class to develop a reasoned analysis. It is not necessary to research the cited decisions or references. The goal is to explore your ability to analyze a different fact pattern and apply the rules and principles we have and are studying. It is unlikely, however, that all assigned problems will be discussed in class. On the other hand, problems not assigned in advance may be the subject of class discussion. You are not required to provide a written response to the problems.

[3] I will assign each student's role.

[4] I will provide the materials in class for this exercise.

[5] I will provide the materials in class for this exercise.

[6] Proper attire required.

[7] I will provide the materials in class for this exercise.

[8] *Id.*

IX. Grading Criteria

Final Grade: See below.

Final Course Grade:

Your final grade is determined by your performance on a number of different tasks:

Mid-Term Examination	20%
Final Examination	70%
Attendance and Participation	10%
TOTAL	100%

- **Grading Scale:** The College of Law uses the following grading system:

A	4.00
A-	3.75
B+	3.50
B	3.00
B-	2.75
C+	2.50

C	2.00
C-	1.75
D+	1.50
D	1.00
D-	0.75
F (or WF)	0.00

- AU Audit; no credit or effect on average
- I Incomplete
- P Pass; no effect on average
- W Withdrawal

X. Course Policies

General Policy: Refer to Section VII above.

Attendance Policy:

Regular attendance is required in all courses. This course follows the attendance policies detailed in the Code of Academic Regulations available at:

https://intranet.law.nova.edu/intranet/students/student-services/documents/Code_of_Academic_Regulations%20

The maximum number of absences allowed before a student receives an F for excessive absences in this course is five (5). Students will be required to sign an attendance sheet in each class.

Credit Hour Requirements:

Out-of-Classroom Expectations: Students are expected to read all assigned materials and be prepared for all classes. As set forth in ABA Standard 310, students should spend a minimum of two hours of out-of-class preparation for every in-class hour in accordance with the *Code of Academic Regulations* available at:

https://intranet.law.nova.edu/intranet/students/student-services/documents/Code_of_Academic_Regulations%20

In this 4 credit instructional offering, there are 3,000 required in-classroom minutes of direct faculty supervised instruction. You are required to spend at least 7,200 out-of-classroom minutes on class preparation for a total of at least 10,200 minutes on this course.

XI. College Policies

Students should visit <http://www.nova.edu/academic-affairs/nsu-syllabus-policy.html> to access additional required college-wide policies and

https://www.law.nova.edu/about/documents/Code_of_Academic_Regulations.pdf for policies specific to the College of Law. It is your responsibility to access and carefully read these policies to ensure you are fully informed. As a student in this class, you are obligated to follow these policies in addition to the policies established by your instructor.

The following policies are described on these websites:

- Academic misconduct
- Last day to withdraw
- Email policy
- Student course evaluations
- Student responsibility to register
- Student responsibility for course prerequisites
- Class Preparation
- Graduation Requirements, etc.

Additional Academic Resources: Nova Southeastern University offers a variety of resources that may aid in student success. Among these resources is:

Accommodations for students with documented disabilities. For more information about ADA policy, services, and procedures, students may call the Office of Student Disability Services at 954-262-7189 or visit <http://www.nova.edu/disabilityservices>.