Substantive Criminal Law
CJL 4110 / CRN 12126
Spring 2022 – Campus Class
Mondays 4:30pm – 7:15pm – Griffin Hall #107

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Required Text

Suggested Text
Students will be required to access the Florida State Statutes, available in full online at http://www.leg.state.fl.us/FL Statutes/

Course Description from FGCU Catalog
An introduction to the general principles of substantive criminal law. Discussions will include elements of specific crimes, the nature of criminality, mental states, defenses, jurisdiction, and sanctions. Focus will include Florida laws and basic legal research in criminal law.

Course Objectives
At the conclusion of this course students will be able to:
- write a case brief for a criminal case
- describe and apply the elements of specific crimes to specific fact situations
- explain and apply principles of legal defenses against crimes
- compare and contrast alternative theories of law as established by the courts
- explain and apply alternative theories of law in examining elements of crimes and legal defenses, and compare and contrast the varying approaches taken in different states towards elements and defenses
- prepare a basic defense and prosecution of a criminal action in a Florida court using legal precedents and statutory provisions

Tentative Schedule
The Official Course Calendar is found at the end of this Syllabus.
Course Requirements

All course assignments must be completed and submitted to the professor by the time assigned. Missing any assignment has the potential to put you behind. It is your responsibility to keep up. Failure to complete all assignments on time can also result in a reduction to your final grade, in the professor’s sole discretion. Late assignments are not accepted.

Examination material will include all information covered in all class discussions, all material contained in the assigned readings, all assignments, and any additional materials assigned or reviewed for the class, especially including emails, postings, or other information from the professor regardless of the format. Tested material will come primarily from the assigned readings and class discussions.

Any information not covered in this course outline is specifically supplemented by the ESSENTIAL INFORMATION folder and the current Florida Gulf Coast University catalog and Student Guidebook.

Dates of the mid-term exam and the final exam are NOT changeable. Please review your schedule at the start of the semester and adjust your calendar accordingly. No excuses are acceptable for late exams. Exams may NOT be taken either early or late. Exams are designed to be completed in under 3 hours and can be taken at any time during the assigned exam dates.

Check your schedule now and plan ahead. Some of the excuses that will never work (why? because these are either predictable or avoidable):

* My book hasn't arrived yet from [Amazon, the publisher, the bookstore, etc.]
* I am helping a friend move
* I am covering someone else's shift at work
* I am having scheduled surgery

Course Prerequisites

Though there are no required prerequisites for this course. As an upper division advanced level course in the Criminal Justice program, it is assumed that you do have fundamental knowledge of the US court and legal system prior to taking this. If you do not, you may need to do some additional work on your own to gain that background.
Grading Policy

There are 3 graded segments of this course (see below). Scores are assigned as follows:

- **100** Serves as a model for other students
- **95** Outstanding, exceptional effort
- **90** Advanced comprehension
- **85** Very good, commendable effort
- **80** Good, above average effort
- **75** Average, met minimum expectations
- **70** Met some expectations but needs work
- **65** Met a few expectations and requires greater effort
- **60** Below expectations, indicates a minor effort
- **0** Unacceptable

At the end of the semester, the accumulated scores are divided as specified in the grade distribution set forth in the Grading Policy. Fractional numbers are rounded up or down to the nearest whole number. Grades are then assigned as follows:

- **A** = 93 - 100
- **A-** = 90 - 92
- **B+** = 88 - 89
- **B** = 83 – 87
- **B-** = 80 - 82
- **C+** = 78 - 79
- **C** = 73 – 77
- **C-** = 70 - 72
- **D** = 60 - 69
- **F** = 59 and below

If you missed by a point, I'm sorry but I won't be adjusting any grades. If, however, you think that there is an error in the calculations, let me know.

I do NOT give W grades. This is done only by the university registrar’s office. A grade of W will be given only if you formally withdraw prior to the date as specified by the university. After that date, a letter grade will be awarded. If you cease to participate in classes and do not withdraw, you will receive an F. A designation of Incomplete may be given in the complete discretion of the professor.

NOTE: Please be aware that I do not design this course around the drop/add or withdrawal dates of the university. If you choose to drop or withdraw, you may do so based on the information up to that time in the course. Advance notice of grades is not provided. You are responsible for keeping up with your progress. Mid-term grades may not be available prior to the withdrawal date.
Final grades for the course will be based on

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<thead>
<tr>
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<th>Percentage</th>
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</thead>
<tbody>
<tr>
<td>In-Class Participation &amp; Attendance &amp; Quizzes</td>
<td>25%</td>
</tr>
<tr>
<td>Mid-Term Exam</td>
<td>35%</td>
</tr>
<tr>
<td>Final Exam</td>
<td>40%</td>
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Be sure to also read the ESSENTIAL INFORMATION section found under the LESSONS folder. This will provide you with additional instructions, as well as insight, into the manner in which you are graded for the semester.

**Attendance Policy**

Attendance for this class is **mandatory**. Attendance, in-class participation and any quizzes make up 25% of the grade. Students will be allowed to make-up, up to four (4) missed classes. Two (2) points will be subtracted for every missed class not made up. Make-up procedure will be further explained in class. Attendance rolls will be kept and in-class participation and assignments will be noted.

Dates for the exams are absolutely firm. No accommodation can be made except for extreme and/or unforeseeable emergencies. Exams are due at time set by the professor. Late exams are not accepted but must be taken in the time allotted.

**Exam Policy**

Dates for the exams are firm. No accommodation can be made except for extreme and/or unforeseeable emergencies. Thank you for planning ahead!

**Academic Integrity**

Plagiarism is a serious offense. If you are found to have plagiarized any part of any assignment, you will receive an F for the course.

Failure to identify a quote or to cite a source is plagiarism. Using any part of someone else's work and simply changing a word, or a few words, is also plagiarism. In addition to receiving an F for the course, any person who has plagiarized will be referred to the University Code of Conduct Committee for further action.

Any work you do for this course must be your own original work done solely and exclusively for this course. If you have done work for another course or another purpose and use it here in this course, that is grounds for an immediate "F" for the course.

Students agree that by taking this course all required papers are subject to submission for textual similarity review to Turnitin.com for the detection of plagiarism. All submitted papers will be included as source documents in the Turnitin.com reference database.
solely for the purpose of detecting plagiarism of such papers. Use of the Turnitin.com service is subject to the Terms and Conditions of Use posted on the Turnitin.com site.

All papers and written projects for this class are submitted to Turnitin.com, a plagiarism-detection service. If plagiarism is detected either by Turnitin.com, or by me, or by other means, you are subject to sanctions including assignment of an F for the course and referral to the Student Code of Conduct Committee.

Disability Policy

Florida Gulf Coast University, in accordance with the Americans with Disabilities Act and the university’s guiding principles, will provide classroom and academic accommodations to students with documented disabilities. If you need to request an accommodation in this class due to a disability, or you suspect that your academic performance is affected by a disability, please contact the Office of Adaptive Services. The Office of Adaptive Services is located in Howard Hall 137. The phone number is (239) 590-7956 or TTY (239) 590-7930.

Religious Observance

All students at Florida Gulf Coast University have a right to expect that the University will reasonably accommodate their religious observances, practices, and beliefs. Students, upon prior notification to their instructors, shall be excused from class or other scheduled academic activity to observe a religious holy day of their faith. Students shall be permitted a reasonable amount of time to make up the material or activities covered in their absence. Students shall not be penalized due to absence from class or other academic activity because of religious observances. Where practicable, major examinations, major assignments, and University ceremonies will not be scheduled on a major religious holy day. A student who is to be excused from class for a religious observance is not required to provide a second party certification of the reason for the absence.

Video and Audio Recording Policy

Video and audio recording of class lectures is expressly prohibited unless the FGCU Office of Adaptive Services has documented your disability and determined the best reasonable accommodation for you is to allow recording and you have executed a written agreement regarding the limitations on use of such recordings and their disposition at the end of the semester.
COURSE SCHEDULE – Substantive Criminal Law

WEEK 1  Introduction and Orientation
Text assignment: Ch. 1 Historical Background of Criminal Law
FL Statutes: §2.01; 775.01; §775.02
Jan. 10th  In class discussion: Introduction to Substantive Criminal Law,
Development of Common Law; Defining Crime as “Behavior that
society has determined it will not allow and that it will punish;”
Society as the victim of crime

WEEK 2  Martin Luther King Holiday – NO Class
Jan. 17th

WEEK 3  The Basics of Criminal Law
Text assignment: Ch. 2 Fundamentals of Criminal Law
Ch. 3 Jurisdiction
Jan. 24th  FL Statutes: §775.012; §775.021; §775.08; §775.081
In class discussion: Types of Jurisdiction; Categories of Crime

WEEK 4  Actus Reus and Mens Rea
Text assignment: Ch. 4 The Criminal Act
Ch. 5 The Mental Element
Jan. 31st  FL Case: Jenkins v. State, 747 So2d 997 (Fla 5th DCA 1999)
Assignment: Prepare a case brief for Jenkins v. State
In class discussion: Elements of the Crime: Requirement of Proof
Beyond a Reasonable Doubt

WEEK 5  Affirmative Defenses
Text assignment: Ch. 6 Matters Affecting Criminal Responsibility
Feb. 7th  FL Statutes: 776; §775.027; 782.02; 782.03
In class discussion: What is a defense?

WEEKS 6 & 7  Crimes Against Persons – Catch-up / Review for Mid-Term
Text assignment: Ch. 7 Assault and Related Crimes
Ch. 8 Homicide
Feb. 14th  Ch. 15 False Imprisonment, Abduction, Kidnapping
FL Statutes: 784.011; 784.021; 784.03; 784.05
782.04; 782.035; 782.051; 782.071
Feb. 21st  787.01; 787.02; 787.06
In class discussion: Identifying Elements of the crimes, examples.
Florida laws.
WEEK 8  Mid-Term Exam
Mid-term exam will consist of a series of multiple choice questions and two short answers. Students will be expected to select the “most correct” response from options presented.

Feb. 28th

WEEK 9  Spring Break

Mar. 7th  NO CLASS

WEEK 10 & 11  Crimes Against Property
Text assignment:  Ch. 10 Theft
                   Ch. 11 Robbery
                   Ch. 12 Burglary and Related Offenses
                   Ch. 13 Arson
                   Ch. 14 Forgery and Related Offenses

Mar. 14th

Mar. 21st  FL Statutes:  812.014; 812.019; 812.0195
                   812.13; 812.133; 812.135; 812.15
                   810.011; 810.015; 810.02; 810.06; 810.08; 810.095
                   806.01; 806.031

In class discussion: Property crimes in general; examples: Florida Law

WEEK 12  Drugs, Alcohol, Bribery, Extortion
Text assignment:  Ch. 16 Crimes Involving Narcotic Drugs and Alcoholic Beverages
                   Ch. 17 Extortion, Blackmail, and Bribery

Mar. 28th

Mar. 28th  FL Statutes:  856.011; 856.015; 893.13; 893.135; 893.147
                   838.015; 838.016; 839.11; 836.05

In class discussion: California Medical Marijuana laws and conflicts between state and federal law; Drug cases and the problem of status crimes

WEEK 13  Traffic Offenses
Text assignment:  Ch. 19 Traffic Offenses

April 4th

April 4th  FL Statutes:  316.006; 316.183; 316.192; 316.193; 316.1936;
                     In class discussion: The troubles with traffic offenses
WEEK 14  Crimes Affecting Public Order
Text assignment:  Ch. 20 Crimes Affecting Judicial Process
                 Ch. 21 Crimes Against Public Order
April 11th     FL Statutes:   837.011; 837.012; 837.02; 837.021; 837.07
                 843.01; 843.02; 843.025; 843.14
                 870.01; 870.02; 870.03; 877.03
                 849.08; 849.085
In class discussion: crimes affecting judicial process/crimes against public order

WEEK 15  White Collar Crime
Text assignment:  Ch. 22 Organized, White, Collar, and Commercial Crime
April 18th     FL Statutes:   895.03; 895.04; 895.04;
In class discussion: Florida RICO, current events related to organized crime in Florida

WEEK 16  Catch-up / Review

April 25th

WEEK 17  Final Exam
The Final exam consists of two parts. Part I will consist of a series of multiple choice questions where students will be expected to select the “most correct” response from options presented and will focus on the second half of the semester. Part II is an essay question dealing with a factual scenario where the students will be expected to identify crimes, elements of those crimes, jurisdiction, penalties, as well as any defenses and will incorporate principles learned from the entire semester. Part II is open book/note.

May 6th