



Course Description

PLA2303 | Criminal Law & Litigation | 3.00 credits

This course focuses on the substantive areas of criminal law including the offenses, elements, defenses and parties to a criminal law proceeding. It also emphasizes the role of the criminal justice system in adjudicating, enforcing and sentencing criminal defendants. It examines the Florida Rules of Criminal Procedure and provides practice in drafting documents required in the conduct of a criminal trial.

Course Competencies:

Competency 1: The student will understand the nature and history of criminal laws and punishment by:

1. Distinguishing between civil and criminal law
2. Explaining the origins and sources of criminal law
3. Identifying the principles of criminal liability
4. Discussing criminal punishment's complex legal, historical, and socio-economic nature
5. Analyzing the constitutional foundation and restraints for criminal law
6. Describing the organization of the criminal justice system, including the law enforcement agencies, prosecutorial agencies, defense attorneys, the court system, and sentencing support systems
7. Conducting a client interview
8. Describing familiarity with federal criminal litigation practice
9. Writing a memorandum of law

Competency 2: The student will understand the elements of crimes and parties to crimes by:

1. Recognizing what constitutes a criminal act and criminal intent
2. Discussing legal criminal terminology
3. Explaining the role of the different parties to a crime, including the defendant, victim, prosecutors, defense attorneys, and others
4. Identifying and defining crimes involving attempt, solicitation, and conspiracy
5. Making distinctions between crimes against persons, including assault and battery, sexual battery, false imprisonment, and kidnapping
6. Defining the crime of homicide and apply the statutory criteria for different degrees of homicide, along with distinguishing their respective sentencing schemes
7. Discussing capital punishment in death penalty cases, including sentencing and trial procedures
8. Explaining offenses against property, including theft, robbery, forgery, burglary, and extortion
9. Describing crimes involving moral turpitude, including incest, bigamy, prostitution, obscenity, gambling, profanity, intoxication, and drug-related offenses
10. Identifying offenses such as bribery, perjury, resisting arrest, and escape

Competency 3: The student will understand the concept of criminal defense by:

1. Identifying defenses that assert a lack of capacity to commit a crime
2. Examining defenses involving the justifiable use of force
3. Explaining defenses based on the concept of mistake and make distinctions between factual mistakes and mistakes of law
4. Recognizing defenses that arise from constitutional and statutory authority
5. Describing defenses based on government conduct, such as entrapment
6. Discussing alibi, duress, necessity, and consent theories
7. Explaining the procedural requirements of the Fourth Amendment, including the warrant requirements, exclusionary rule, and all the exceptions to the Fourth Amendment

Competency 4: The student will understand the dynamics and scope of the pre-trial criminal litigation process by:

1. Analyzing the rights and responsibilities involved in a criminal arrest, including a defendant's rights during custody, interrogation, and confessions
2. Explaining the defendant's constitutional right to counsel
3. Identifying and explaining the criminal procedure, including the initial appearance, the grand jury proceeding, pretrial motions, arraignment, plea bargaining, pretrial discovery, and the right to a speedy trial
4. Discussing and applying Florida Rules of Criminal Procedure
5. Interviewing a witness
6. Assist in preparing a witness for testimony at a deposition or trial
7. Attending trial and assisting in juror selection and preparation of voir dire
8. Preparing a trial notebook that includes case law, affidavits, summaries, discovery, opening and closing statements, and jury instructions
9. Listing exhibits entered as evidence and record evidentiary objections during trial
10. Drafting jury instructions
11. Preparing a written report based upon an observed criminal proceeding such as an indictment, arraignment, or trial.

Competency 5: The student will understand the criminal trial, sentencing, and appellate procedure by:

1. Analyzing the defendant's right to a jury trial
2. Explaining the right to counsel compared to a defendant's right to self-representation
3. Discussing the Florida Rules of Evidence as they apply to the dynamics in a criminal proceeding, including hearsay, relevance, prior criminal acts, character, and reputation evidence
4. Describing the sentencing stage in the criminal process
5. Explaining the rights of prisoners and constitutional safeguards
6. Discussing the increasing role of victim's rights advocates and their participation in the criminal justice process
7. Identifying the appellate and post-conviction relief processes available to criminal litigants
8. Explaining the appellate process, including the right to counsel on appeal, the right to bail pending appeal, the filing of the appeal, motions, filing of briefs, oral argument, the judicial conference, and post-conviction relief
9. Preparing presentation information and work with probation officers
10. Researching the case law regarding appealable issues
11. Assisting in the preparation of the appellate brief
12. Preparing a Notice of Appeal
13. Drafting pleadings, including a Motion to Suppress Evidence, subpoenas for witnesses, a Motion to Dismiss, and a Motion in Limine
14. Completing the guidelines score sheet under sentencing guidelines. Client Learning Outcome: This section contains no data

Learning Outcomes:

- Communicate effectively using listening, speaking, reading, and writing skills
- Solve problems using critical and creative thinking and scientific reasoning
- Formulate strategies to locate, evaluate, and apply information
- Create strategies that can be used to fulfill personal, civic, and social responsibilities
- Demonstrate knowledge of ethical thinking and its application to issues in society
- Use computer and emerging technologies effectively