



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. Distinguish between civil and criminal law.
2. Explain the origins and sources of criminal law.
3. Identify the principles of criminal liability.
4. Discuss criminal punishment's complex legal, historical, and socio-economic nature.
5. Analyze the constitutional foundation and restraints for criminal law.
6. Describe the organization of the criminal justice system, including the law enforcement agencies, prosecutorial agencies, defense attorneys, the court system, and sentencing support systems.
7. Conduct a client interview.
8. Describe familiarity with federal criminal litigation practice.
9. Write a memorandum of law.

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

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

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

1. Identify defenses that assert a lack of capacity to commit a crime.
2. Examine defenses involving the justifiable use of force.
3. Explain defenses based on the concept of mistake and make distinctions between factual mistakes and mistakes of law.
4. Recognize defenses that arise from constitutional and statutory authority.
5. Describe defenses based on government conduct, such as entrapment.
6. Discuss alibi, duress, necessity, and consent theories.
7. Explain the procedural requirements of the Fourth Amendment, including the warrant requirements, exclusionary rule, and all the exceptions to the Fourth Amendment. Client Learning Outcome: This section does not contain any data.

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

1. Analyze the rights and responsibilities involved in a criminal arrest, including a defendant's rights during custody, interrogation, and confessions.
2. Explain the defendant's constitutional right to counsel.
3. Identify and explain 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. Discuss and apply Florida Rules of Criminal Procedure
5. Interview a witness.
6. Assist in preparing a witness for testimony at a deposition or trial.
7. Attend trial and assist in juror selection and preparation of voir dire.
8. Prepare a trial notebook that includes case law, affidavits, summaries, discovery, opening and closing statements, and jury instructions.
9. List exhibits entered as evidence and record evidentiary objections during trial.
10. Draft jury instructions.
11. Prepare a written report based upon an observed criminal proceeding such as an indictment, arraignment, or trial. Client Learning Outcome: This section does not contain any data.

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

1. Analyze the defendant's right to a jury trial.
2. Explain the right to counsel compared to a defendant's right to self-representation.
3. Discuss 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. Describe the sentencing stage in the criminal process.
5. Explain the rights of prisoners and constitutional safeguards.
6. Discuss the increasing role of victim's rights advocates and their participation in the criminal justice process.
7. Identify the appellate and post-conviction relief processes available to criminal litigants.
8. Explain 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. Prepare presentation information and work with probation officers.
10. Research the case law regarding appealable issues.
11. Assist in the preparation of the appellate brief. Prepare a Notice of Appeal
12. Draft pleadings, including a Motion to Suppress Evidence, subpoenas for witnesses, a Motion to Dismiss, and a Motion in Limine.
13. Complete the guidelines score sheet under sentencing guidelines. Client Learning Outcome: This section contains no data.

Learning Outcomes:

1. Communication
2. Critical Thinking
3. Information Literacy
4. Social Responsibility
5. Computer / Technology Usage
6. Ethical Issues