

CRIJ 2364.03
FUNDAMENTALS OF CRIMINAL LAW
Spring 2018
Department of Criminal Justice and Criminology

PROFESSOR: Sparks Veasey, M.D., J.D.

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CLASS HOURS: MWF 10:00 A.M. to 10:50 A.M.

CLASSROOM: C-210

OFFICE HOURS: M 7-9 and 3-5 P.M.; W 7-9 and 3-5 P.M.; F 1-4 P.M. (All office visits by appointment during the above listed times).

TEXTBOOKS:

1. **[OPTIONAL]** Dowling, Jerry L. (2009). *Texas Criminal Law: Principles and Practices*. Upper Saddle River, N.J.: Prentice Hall. The optional textbook assignments are shown below as *Texas Criminal Law*.
2. Any **CURRENT** version of the Texas Penal Code. Assignments in the Penal Code are shown as *Texas Penal Code*. Several companies publish the Penal Code. Make sure your copy is complete through the 2013 legislative session. The *Texas Penal Code* is available online. Bring either the text or printed versions of the assigned sections with you to each class. Each student must have his/her own copy of the Texas Penal Code.

COURSE DESCRIPTION:

A course in the substantive criminal law which includes definition of law, definition of crime, general principles of criminal responsibility, elements of major crimes, punishments, and conditions or circumstances which may excuse from criminal responsibility or mitigate punishment. Particular emphasis is on the penal laws of the State of Texas.

COURSE OBJECTIVES:

1. Acquaint the student with the basic principles that underlie the American system of criminal law.
2. Acquaint the student with the elements of the primary criminal offenses using primarily the Texas Penal Code as illustration.
3. Improve student analytical and abstract thinking skills.

COURSE REQUIREMENTS:

Examinations

There will be three major examinations. Each may be comprehensive. The first and second exam will each count 30 percent toward the final grade. The last exam, given at the prescribed time of the final, will count 40%. No make-up will be allowed for any exam that the student misses, unless prior notification and agreement with the professor, with VERY GOOD REASON for allowing a make-up. If no notification is made, the student will receive a 0 for the examination regardless of the reason. Written and verified justification may be required if notification is made prior to the beginning of the exam, Oversleeping is not a justification and will not be accepted.

Examination questions for the major exams will come from the *Texas Penal Code* or class discussion. Any discussion of subjects in class are subject to testing, including scenarios that require application of material discussed. Additional topics or sections from the Penal Code may be added during the semester. The Examinations may be comprehensive.

Test answers will normally be reviewed at the following class session. In incidences where the professor determines that more than one correct answer exists for a question, credit may be awarded for an answer in addition to the keyed response. To gain benefit of this change, the student must be present at the review session.

During major exams, students may use any notes on paper, any book or papers including a copy of the *Texas Penal Code*. No computers or cell phones or any other digital device will be permitted. Exam questions will be fill in the blank or true/false. Make-up exams may be essay.

Failure to follow directions during examinations will result in a reduction in the grade.

GRADING:

Final grade determination will be based upon 100 possible points. The three tests will count 100% of the final grade. Letter grades will be determined using the following scale: 90-100 points an "A"; 80-89 points a "B"; 70-79 points a "C"; 60-69 points a "D"; and less than 60 points an "F". Students should neither depend on nor expect a "curve" or other statistical modification of this grading schedule.

Students arriving to class three minutes after the time that the class is scheduled to start will have 1 point for each occurrence deducted from his/her final grade.

MAKE-UP EXAMS:

No make-up exams will be given for the major exams unless arrangements have been made prior to the examination.

ATTENDANCE POLICY:

Attendance will be recorded pursuant to University policy.

STUDENT ACADEMIC POLICIES: ACADEMIC HONESTY, DISABLED STUDENT POLICY, STUDENT ABSENCES ON RELIGIOUS HOLY DAY POLICY:

Academic Dishonesty

All students are expected to engage in all academic pursuits in a manner that is above reproach. Students are expected to maintain honesty and integrity in the academic experiences both in and out of the classroom. Any student found guilty of dishonesty in any phase of academic work will be subject to disciplinary action. The University and its official representatives may initiate disciplinary proceedings against a student accused of any form of academic dishonesty including, but not limited to, cheating on an examination or other academic work which is to be submitted, plagiarism, collusion and the abuse of resource materials.

Students with Disabilities Policy

If you have a disability that may affect adversely your work in this class, then I encourage you to register with the SHSU Counseling Center and to talk with me about how I can best help you. All disclosures of disabilities will be kept strictly confidential. NOTE: No accommodation can be made until you register with the Counseling Center.

Religious Holy Day Policy

Section 51.911(b) of the Texas Education Code requires that an institution of higher education excuse a student from attending classes or other required activities, including examinations, for the observance of a religious holy day, including travel for that purpose. Section 51.911 (a) (2) defines a religious holy day as: “a holy day observed by a religion whose places of worship are exempt from property taxation under Section 11.20....” A student whose absence is excused under this subsection may not be penalized for that absence and shall be allowed to take an examination or complete an assignment from which the student is excused within a reasonable time after the absence. University policy 861001 provides the procedures to be followed by the student and instructor. A student desiring to absent himself/herself from a scheduled class in order to observe (a) religious holy day(s) shall present to each instructor involved a written statement concerning the religious holy day(s). The instructor will complete a form notifying the student of a reasonable timeframe in which the missed assignments and/or examinations are to be completed. For complete information regarding of the university policy on observance of religious holy days see:

Student Academic Policies concerning Attendance, Academic Honesty, Disabled Student and Services for Disabled Students, and Absences on Religious Holy days may be found at:
<http://www.shsu.edu/dept/academic-affairs/aps/aps-students.html>

USE OF TELEPHONES AND TEXT MESSAGERS IN ACADEMIC CLASSROOMS AND FACILITIES

IPODS, pagers and cellular telephones must be turned off prior to class. All such devices must be stowed during exam periods. Text messaging during class is not permitted. In the event of a special circumstance necessitating communication during class, notify the professor prior to the beginning of class.

Students may use their laptop computer to take notes. Any other use will result in ejection from class. The professor retains the right to view the student's computer screen at any time. Laptop computers, "smartphones" and similar electronic devices may NOT be used during exam periods. Even the visible presence of such a device during the test period will result in a zero for that test. Use of these devices during a test is considered *de facto* evidence of cheating and could result in a charge of academic dishonesty.

Students with a bona fide need for emergency communication during class time shall make acceptable arrangements with the professor. **UNIVERSITY POLICY ON THE USE OF TELEPHONES AND TEXT MESSAGES IN ACADEMIC CLASSROOMS AND FACILITIES MAY BE FOUND AT:**

<http://www.shsu.edu/dept/academic-affairs/aps/aps-curriculum.html>

OUTLINE OF TOPICS TO BE COVERED FOR EACH CLASS MEETING:

Optimally, the following topics will begin on the dates indicated. **However, coverage of the topic will continue until completed.** The student should prepare all materials by the respective assignment dates. Additional topics from the *Texas Penal Code* may be added as the course progresses. The professor reserves the right to alter the sequence of subjects or days discussed as needed.

Jan. 17 and 19	Course Introduction and Basic Concepts	<i>Texas Criminal Law</i> pp. 378 - 381
Jan. 22 and 24	Foundations of Criminal Law An Overview of Court System Mental States	<i>Texas Criminal Law</i> Chapter 1 <i>Texas Penal Code</i> Chapter 1 <i>Foundations of Criminal Law</i>
Jan. 26 and 29	Elements of a Crime	<i>Texas Criminal Law</i> Chapters 2 & 3 <i>Texas Penal Code</i> Chapters 6 & 12 <i>Elements of a Crime</i> <i>The Criminal Law in Daily Practice</i>
Jan. 31	Parties to Offenses	<i>Texas Criminal Law</i> Chapter 4 <i>Texas Penal Code</i> Chapter 7

Parties to Offenses

Feb. 2-9	Criminal Homicide	<i>Texas Criminal Law</i> Chapter 5 <i>Texas Penal Code</i> Chapter 19 <i>Texas Penal Code</i> Sec. 49.01; 49.08; 49.12 <i>Criminal Homicide</i>
Feb. 12	FIRST EXAM	
Feb. 14-21	Assault and Sexual Assault	<i>Texas Criminal Law</i> Chapter 6 <i>Texas Penal Code</i> Chapters 21 & 22 <i>Texas Penal Code</i> Sec. 42.072; 49.07; 49.12 <i>Assault</i> <i>Sexual Assault</i>
Feb. 23	Kidnapping	<i>Texas Criminal Law</i> Chapter 7 <i>Texas Penal Code</i> Chapter 20 <i>Texas Penal Code</i> Sec. 25.03 <i>Kidnapping and Related Offenses</i>
Feb. 26-Feb. 28	Theft and Fraud	<i>Texas Criminal Law</i> Chapter 9 <i>Texas Penal Code</i> Chapters 31 & 32 <i>Theft, Fraud and Related Offenses</i>
Mar. 2	Robbery	<i>Texas Criminal Law</i> Chapter 10 <i>Texas Penal Code</i> Chapter 29 <i>Robbery</i>
Mar. 5	Burglary and Criminal Trespass	<i>Texas Criminal Law</i> Chapter 11 <i>Texas Penal Code</i> Chapter 30 <i>Burglary</i> <i>Criminal Trespass</i>
Mar. 7	SECOND EXAM	
Mar. 9	Property Destruction Offenses	<i>Texas Criminal Law</i> Chapter 8 <i>Texas Penal Code</i> Chapter 28 <i>Arson</i> <i>Criminal Mischief</i>
Mar. 12-16	Spring Break	
Mar. 19	Property Destruction Offenses	
Mar. 21-26	Offenses Against Government Operations	<i>Texas Criminal Law</i> Chapter 12

Texas Penal Code Chapters 36, 37, 38
Offenses Against Gov't Operations

Mar. 28-Apr. 2 Public Disorder and
Safety Offenses

Texas Criminal Law Chapter 13
Texas Penal Code Chapters 42 & 46 & 43
Texas Penal Code Sec. 49.01 - 49.02
Public Disorder and Safety Offenses

Apr. 4-6 Preparatory Offenses

Texas Criminal Law Chapter 14
Texas Penal Code Chapter 15
Texas Penal Code Sec. 16.01
Preparatory Offenses

Apr. 9-11 Defenses and Justification

Texas Criminal Law Chapter 15
Texas Penal Code Chapters 2, 8, 9
Defenses
Justification

Apr. 13 Review

Apr. 16 Gambling

Texas Penal Code Chapter 47

Apr. 18-20 Organized Crime

Texas Penal Code Chapter 71

Apr. 23-30 Ethics in C.J. Practice

Lecture and Discussion Only

Apr. 30-May 4 Review and Catch-Up

May 7 **THIRD EXAM**
(10:30 A.M.-12:30 A.M.)