

**CJ 264**  
**Fundamentals of Criminal Law**  
**Spring/2008**

**Professor: Dr. Margo L. Frasier**

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**Class Hours and Classroom: Section .06 (CID 3740) 8:00 a.m.—9:20 a.m. (T-Th) C-104; Section .03 (CID 3739) 11:00 a.m.—12:20 p.m. (T-Th) A-209**

**Office Hours:**

**Tuesdays and Thursdays**

**9:30 a.m.—11:15 a.m.**

**Other times available by appointment**

**TEXTBOOK:** Texas Criminal and Traffic Law Manual 2007-2008, Lexis-Nexis or any other book including the current Texas Penal Code and the Code of Criminal Procedure. The edition needs to include the legislative changes made in 2007. The most frequently used portion will be the Texas Penal Code although other codes will also be used. There are students who get through the semester using the internet and the posted handouts in place of a textbook. You are certainly welcome to attempt that approach.

There will be a handout for each lecture posted on Blackboard. It is your option as to whether you wish to copy it and bring it class or access it via computer during class. No copies will be provided by the professor.

**COURSE DESCRIPTION AND OBJECTIVES:**

Description: A course in substantive criminal law which includes definition of law, definition of crime, general principles of criminal responsibility, elements of the major crimes, punishments, conditions or circumstances which may excuse from criminal responsibility of mitigate punishment, the court system of Texas and the United States, basic concepts of criminal law with emphasis on the penal law of the State of Texas.

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 state criminal offenses as defined by the Texas Penal code.
3. Acquaint the student with the defenses, affirmative defenses, and other potential mitigation of criminal responsibility and/or punishment.
4. Acquaint the student with the court system of Texas and the United States.
5. Improve student analytical and abstract thinking skills.
6. Cover the course objects on criminal law as prescribed by the Texas Commission on Law Enforcement Standards and Education.

**ATTENDANCE POLICY:** Class attendance requirements will be followed in accordance with Academic Policy Statement 800401. **More than six absences will result in failure of this course. Absences will be considered in your final grade both positively and negatively. Two tardies count as an absence.**

It is disruptive (and downright inconsiderate) for students to be late to class. The professor reserves the right to refuse admission to class to a student who is tardy on a regular basis...the meaning of regular to be determined by the professor.

**GRADING POLICY AND EXAMINATIONS:** Final grade determination will be based on the following scale: 90-100 A; 80-89 B; 70-79 C; 60-69 D; 59 and below F.

There will be three major examinations on the dates indicated unless otherwise announced. Exams will consist primarily of true-false and multiple choice questions although some short essay questions may be utilized. Each major examination will account for 30% of your grade. A student may review his/her examination in the office of Dr. Frasier. If a student wishes to "challenge" an answer, the appeal must be submitted in writing or by email no later than 7 days after the examination is given. Appeals must contain a concise argument as to why the student's answer should receive credit. The decision of the professor shall be final on all challenges.

Class quizzes, homework assignments, and class participation will account for 10% of your grade. If a student is absent on a day of a pop quiz, he/she will not be afforded an opportunity to take the pop quiz, even if prior notice has been given the professor.

Grades will not be "curved". Grades will be entered on the student's Blackboard file. It is the student's responsibility to monitor the accuracy of the grades and absences. Please do not ask how many absences you have; it is your responsibility to know.

**MAKE-UP EXAMS:** No make-up examinations will be given unless arrangements have been made prior to the examination date.

**ANNOTATED OUTLINE OF TOPICS TO BE COVERED FOR EACH CLASS MEETING:**

- January 17 Introduction to course; Basics of the Penal Code including Objectives of the Penal Code (PC 1.02), Effect of the Penal Code (PC 1.03(a)), Jurisdiction to which Penal Code applies (PC 1.04), and Determination of Age under the Penal Code (PC 1.06)
- January 22 Burden of proof, defenses, and presumptions (PC 2.01-.05); Objectives of the Code of Criminal Procedure (CCP 1.03); Rights of the accused (CCP 1.04-1.06); Who are magistrates and duties of magistrates (CCP 2.09-.10); Who are peace officers and duties of peace officers (CCP 2.12, 2.122)
- January 24 Criminal episodes (PC 3.01-.02); Culpable mental states and requirement thereof (PC 6.01-.04); Culpability for the acts of another and defenses thereto (PC 7.01-.03); Conviction for lesser included offenses (CCP 37.08-.09); Criminal attempt, conspiracy, and solicitation (PC 15.01-.05)

- January 29 Continuation
- January 31 Classification of offenses and punishment therefore (PC 12.01-.04, 12.21-.23, 12.31-.35, 12.41-.47); Statute of limitations on offenses (CCP 12.01-.07); Venue for prosecution of offenses (CCP 13.01-.23)
- February 5 Offenses resulting in death (PC 19.01-.06, 22.08, 49.01, 49.08 and CCP 12.01(1)(A))
- February 7 Offenses involving assault other than sexual assault (PC 22.01, 22.015, 22.02, 22.04-.041, 22.05-.07, 22.09-.12 and CCP 12.01 (4)(C), 12.01 (6))
- February 12 Offenses against the family and prevention of domestic violence (PC 22.01, 25.01-.07, 42.072 and CCP 5.01-.05)
- February 14 Offenses involving sexual assault and related evidentiary issues (PC 21.01, 21.06-.08, 21.11-.12, 21.15, 22.011, 22.021; CCP 12.01 (1)(B), 12.01 (2)(E), 12.01 (5), 7A.01-.06, 38.07-.071, 57.01-.03; ROE 412)
- February 19 Offenses involving kidnapping or trafficking of persons (PC 20.01-.05, 20A.01-.02; CCP 12.01 (4)(B))
- February 21 Examination #1
- February 26 Offenses against property (PC 28.01-.08)
- February 28 Offenses involving robbery and theft (PC 29.01-.03, 31.01-.10 and CCP 12.01 (4)(A))
- March 4 Offenses involving burglary and criminal trespass (PC 30.01-.06 and CCP 12.01 (4)(A))
- March 6 Offenses involving fraud and computer crimes (PC 32.01-.03, 32.21-.22, 32.31, 32.41, 33.01-.03)
- March 11 Spring Break
- March 13 Spring Break
- March 18 Offenses involving bribery and corrupt influence (PC 36.01-.10)
- March 20 Offenses involving perjury and other falsifications (PC 37.01-.12)
- March 25 Offenses involving the obstruction of governmental operations (PC 38.01-.09, 38.111-.113, 38.13-.171)
- March 27 Continuation
- April 1 Offenses involving abuse of office (PC 39.01-.06)
- April 3 Examination #2
- April 8 Offenses involving disorderly conduct and related offenses (PC 42.01-.072, 42.13)
- April 10 Offenses involving prostitution and obscenity (PC 43.01-.06, 43.21-.27)
- April 15 Offenses involving weapons (PC 46.01-.15)
- April 17 Offenses involving intoxication and alcoholic beverages (PC 49.01-.12; Alcoholic Beverage Code 106.01-.08)
- April 22 Offenses involving organized crime (PC 71.01-.05)
- April 24 Defenses to criminal responsibility (PC 8.01-.07; CCP 46.03)
- May 1 Justification which excludes criminal responsibility (PC 9.01-.63)
- May 6 Continuation
- May 8 Privileges (ROE 501-512)

- May 12-15 Examination #3 (final date and time to be announced, but it appears that the 8 a.m. exam will be on Thursday from 8-10 a.m. and the 11 a.m. exam will be on Thursday from 11 a.m.-1p.m.)

**ACADEMIC HONESTY:** The Faculty of the College of Criminal Justice expects students to conduct their academic work with integrity and honesty. Acts of academic dishonesty will not be tolerated and can result in the failure of a course and dismissal from the University.

Academic dishonesty includes, but is not limited to, cheating on a test, plagiarism, collusion – the unauthorized collaboration with another person in preparing work offered for credit, the abuse of resource materials, and misrepresentation of credentials or accomplishments as a member of the college.

The University’s policy on academic honesty and appeal procedures can be found in the manual entitled *Student Guidelines*, distributed by Division of Student Services. (Reference Section 5.3 of the SHSU Student Guidelines)

**DISABLED STUDENT POLICY:**

“Students with a disability which affects their academic performance are expected to arrange for a conference with the instructor in order that appropriate strategies can be considered to ensure that participation and achievement opportunities are not impaired.” The physically impaired may contact the Director of the Counseling Center as chair of the Committee for Continuing Assistance for Disabled Students by telephone (ext. 1720).

**SERVICES FOR DISABLED STUDENTS:**

<http://www.shsu.edu/~counsel/sswd.html>

**STUDENT ABSENCES ON RELIGIOUS HOLY DAYS 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. 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). This request must be made within the first fifteen days of the semester or the first seven days of a summer session in which the absence(s) will occur. 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.