

Spring 2008  
9:30 a.m. TT  
Criminal Justice Center A190

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**CJ 264**  
**FUNDAMENTALS OF CRIMINAL LAW**

**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 state criminal offenses as defined by the Texas Penal Code.
3. Improve student analytical and abstract thinking skills.

**Textbook**

The sole text for the course is any **CURRENT** copy of the Texas Penal Code. Several companies publish the Penal Code. Make sure your copy is accurate through the 2007 session of the Texas Legislature. The current Texas Penal Code may also be located online at:

- ❖ <http://tlo2.tlc.state.tx.us/statutes/pe.toc.htm>, or
- ❖ [www.texaspolicecentral.com/penal\\_code.html](http://www.texaspolicecentral.com/penal_code.html)

These URL are also contained in the External Links folder of Blackboard. Bring either the text or printed versions of the relevant sections with you to each class. Each student must have his/her own copy of the Penal Code. The code may be referred to on the exams.

Students should read the document entitled *Using the Texas Penal Code* prior to attempting to read the statutes. This document may be found on Blackboard in the "Course Documents" section.

**Attendance**

Attendance will be recorded pursuant to University policy. **MORE THAN SIX ABSENCES WILL RESULT IN FAILURE OF THE COURSE.** This rule applies to **all** absences for whatever reason. No distinction is made between excused and unexcused absences. It is the responsibility of the student to insure that s/he signs the roll sheet each date. **Failure to sign the roll is counted as an absence.** Falsely signing of roll sheet will result in failure of the course.

A student desiring to absent himself/herself from a scheduled class in order to observe religious holy days should do so in compliance with University policy. The University policy regarding such absences can be found at [www.shsu.edu/~vaf\\_www/aps/documents/830823.pdf](http://www.shsu.edu/~vaf_www/aps/documents/830823.pdf).

### **Class Communication**

During the semester the professor may need to contact individual students or the class as a whole. Accordingly, each student should regularly check his or her SHSU email account. If your student email account is not your primary account, arrange to have your messages forwarded to your primary account. Additionally, students are responsible for monitoring announcements that may be posted on Blackboard.

### **Class Conduct**

Each student is expected to devote his or her full attention to class during the class period. Accordingly:

- No food or drink is permitted in the classroom.
- IPODS, pagers and cellular telephones must be turned off prior to class.
- Text messaging during class is not permitted.
- You may use your laptop computer to take notes. Any other use will result in ejection from class.
- Students shall refrain from reading newspapers or other reading materials or sleeping during class.
- Students will not be permitted to attend class wearing attire containing messages or symbols that are obscene, offensive, abusive, or derogatory in nature.
- **VIOLATION OF THESE RULES WILL RESULT IN IMMEDIATE EJECTION FROM THE CLASSROOM.**

### **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. For a complete listing of the University policy, see [www.shsu.edu/administrative/faculty/sectionb.html#dishonesty](http://www.shsu.edu/administrative/faculty/sectionb.html#dishonesty)

### **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. See [www.shsu.edu/~vaf\\_www/aps/811006.html](http://www.shsu.edu/~vaf_www/aps/811006.html)

### **PowerPoint Slides**

Much of the classroom presentation will be conducted using PowerPoint® slides. Students may download a student version of these slides from the Blackboard site at <http://blackboard.shsu.edu>. Log on using your student account name and password. The slides are located in the “PowerPoint Presentations” folder. Click on the file name. Save the file to a disk and then open the file. The slides may now be printed by selecting the “Print” command. Select “Notes Page” option if you wish to print slides in a form that allocates space for notetaking adjacent to the slides. Also, mark the “grayscale” box prior to printing. Each slide set is noted

below in italics. Each set will be posted on Blackboard a few days prior to its use in class. Class presentations may contain slides not included in the posted sets.

### **Exams**

There will be three major examinations on the dates indicated unless otherwise announced. Each exam will count one-fourth toward the final grade. Exams will consist primarily of true-false and multiple choice-type questions whereby the student will be expected to apply his or her knowledge to factual scenarios. **NO MAKE-UPS WILL BE GIVEN UNLESS ARRANGEMENTS HAVE BEEN MADE PRIOR TO THE EXAM DATE. 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.**

Test results 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 other than the keyed response. To gain benefit of this change, the student must be present at the review session.

Following review of the exam, a student may “appeal” an answer that was marked incorrect on his/her exam. All appeals must be submitted in writing or by email no later than 48 hours after the exam review. Appeals must contain a concise argument about why the student’s answer should receive credit. If the professor concurs with the student’s argument, credit will be granted only to the student(s) who appealed the question. Students can submit appeals collectively, i.e., several students can submit an appeal on the same question by placing their respective names on the appeal. The decision of the professor shall be final on all appeals.

### **Study Aids**

Five study aids will be completed during the semester. Each study aid will be made available on Blackboard approximately one week before the due date. The student is encouraged to print the study aid, decide upon the correct responses, and complete a Scantron Quizstrip for submission in class on the due date. Students are encouraged to work together in deciding on the correct answers. You may pair with other individuals of your choice. Students should complete the Quizstrip in plenty of time prior to class in case Blackboard should experience technical difficulties. If the student is unable to attend class on the due date, the study aid answers should be turned in early, sent with another student, or the answers emailed to the professor before class time. The study aids will account for one-fourth of the final grade. **NO LATE MATERIALS WILL BE ACCEPTED.**

### **Grading**

Final grade determination will be based upon the following scale: 90 plus average an “A”; 80 to 89 average a “B”; 70 to 79 average a “C”; 60 to 69 average a “D”; and below 60 average an “F”. Students should neither depend on nor expect a “curve” or other statistical modification of this grading schedule.

### **Office Hours**

Tuesday – 2:00 p.m. to 4:00 p.m.

Wednesday – 9:30 a.m. to 12:00 noon.; 2:00 p.m. to 3:30 p.m.

Other times by appointment

### **Class Topics and Schedule**

The following topics will begin on the dates indicated. **Coverage of the topic will continue until the date of the next topic.** The student should prepare all materials by the respective dates.

January 17	Introduction	“Using the Texas Penal Code”
January 22	Basics of Criminal Law	TPC Chapters 1 & 3 <i>Basics of Criminal Law</i>
January 29	Elements of a Crime	TPC Chapters 6 & 12 <i>Elements of a Crime</i>
February 7	Parties to Offenses	TPC Chapters 7 <i>Parties to a Crime</i>
February 12	Criminal Homicide	TPC Chapter 19 TPC sec. 49.01; 49.08 <i>Criminal Homicide</i>
February 21	<u>Study Aid One Due</u>	
February 26	<b>FIRST EXAM</b>	
February 28	Assault Type Offenses	TPC Chapters 22 TPC sec. 49.07 <i>Assault</i>
March 11 & 13	<b>NO CLASSES – SPRING RECESS</b>	
March 18	Sexual Offenses	TPC Chapter 21 <i>Sex Crimes</i>
March 20	Kidnapping and False Imprisonment;	TPC Chapters 20 <i>Kidnapping</i>
March 20	<u>Study Aid Two Due</u>	
March 25	Theft and Fraud	TPC Chapters 31, 32, 33 <i>Theft</i>
April 3	Robbery, Burglary and Criminal Trespass	TPC Chapters 29, 30 <i>Robbery</i> <i>Burglary</i> <i>Criminal Trespass</i>
April 3	<u>Study Aid Three Due</u>	
April 8	<b>SECOND EXAM</b>	

April 10	Property Destruction Offenses	TPC Chapter 28 <i>Arson</i> <i>Criminal Mischief</i>
April 17	Offenses Against Public Administration	TPC Chapters 36, 37, 38, 39 <i>Crimes against Public Administration</i>
April 24	Offenses Against Public Order/ Decency	TPC Chapters 42, 46, 48 TPC sec. 49.01-49.02 <i>Disorderly Conduct</i> <i>Public Intoxication</i> <i>Weapons</i>
April 29	<u>Study Aid Four Due</u>	
April 29	Preparatory Offenses	TPC Chapter 15 <i>Preparatory Offenses</i>
May 1	Defenses	TPC Chapters 8 & 9 <i>General Defenses</i> <i>Justification</i>
May 8	<u>Study Aid Five Due</u>	
May 13	<b>FINAL EXAMINATION – 8:00 a.m.</b>	