

CJ 264 - FUNDAMENTALS OF CRIMINAL LAW

Fall 2007

Instructor: Sam Swindell, JD

Class Hours: 6:00-8:50 p.m. Thursdays Office: Criminal Justice Center CL35/37

Class room: Criminal Justice Center A209 Tel: 540.392.8497 email: sys001@shsu.edu

Office hours: ., Monday 9-11 a.m., Thursday. 9-10 p.m., & by appointment

1. DESCRIPTION:

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

2. 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. Uphold standards of written communication at the university level, as exemplified by the *Publication Manual of the American Psychological Association*, 5th Edition.
4. Cover the course objectives on criminal law as defined by the Texas Commission on Law Enforcement Officer Standards and Education.

3. TEXTBOOK and SUPPLEMENTARY MATERIALS:

Beckham, D.B. (2007) *Criminal Laws of Texas: 2007-2009*. Austin, TX: TDCAA. is available at the University Bookstore. All Texas laws may also be found at <http://www.capitol.state.tx.us/statutes/statutes.html> in HTML, Adobe Acrobat, and Microsoft Word formats. About 5-10% of reading material will be supplemental materials, which will be passed out in hard copy and online two weeks before the date they are due. Bring the text or (in the exceptional case) the printed versions of the relevant sections with you to each class. Penal Code sections are noted below and elsewhere in course materials as "TPC," Code of Criminal Procedure articles as "CCP," Transportation Code sections as "TTC," Health and Safety Code "HSC," and Rules of Evidence as "ROE." Each student must have his/her own copy of the Penal Code. The Penal Code is the only material that may be brought into exams. The copy brought into exams may contain highlighting, may be tabbed, but may not contain substantive verbal notes.

4. INSTRUCTOR'S PHILOSOPHY OF INSTRUCTION:

Students' preparation, attendance and participation are necessary. Students should know the contents of the reading before class begins. Questions are encouraged. I value the power of repetition in learning. As a result, there should be no surprises in this course. Quizzes come from the reading material, during-term exams come from quizzes, and the final exam comes from during-term exams. Lectures reinforce this repetition, and participatory lectures are far more useful than "one-sided" lectures. Standards are non-negotiable, but preparation may vary to meet these standards. I will give as much extra instruction or assistance during office hours as a student seeks.

5. OUTLINE OF TOPICS:

Class 1:	August 23, 2007	Introduction to the Law
Class 2:	August 30, 2007	Basic Principles of Criminal Law TPC Chapters 1 & 3
Class 3:	September 6, 2007	The Criminal Process: <i>Readings to be announced</i> Writing Requirement <i>Assigned</i>
Class 4:	September 13, 2007	Elements of a Crime, Criminal Responsibility TPC Chapters 6, 7 and 12 TTC Sections 550.021-.025 CCP Articles 37.08 and 37.09
<i>Exam 1 & Class 5</i>	<i>September 20, 2007</i>	Exam One <i>Homicide</i> <i>TPC Chapter 19 and Sections 49.01 - .08</i>
Class 6:	September 27, 2007	Offenses Against the Person TPC Chapters 20, 22 & 25
Class 7:	October 4, 2007	Offenses Against the Person (con't) Sex Offenses: TPC Chapters 21 & 43; and Sections 22.011, 22.021, 25.02 and 33.021 ROE Rule 412
Class 8:	October 11, 2007	Offenses Against Property Chapters 28-35
<i>Exam 2 & Class 9</i>	<i>October 18, 2007</i>	Exam Two <i>Inchoate Offenses TPC Chapters 15-16</i>
Class 10:	October 25, 2007	Intoxication Offenses TPC Chapter 49 Writing Requirement Due
Class 11:	November 1, 2007	Drug Offenses HSC Chapter 481-485
Class 12	November 8, 2007	Crimes Against Public Administration TPC Chapters 36 – 39 Writing Requirement Re-write
<i>Exam 3 & Class 13:</i>	<i>November 15, 2007</i>	Exam Three <i>Offenses Against Public Order / Decency</i> <i>TPC Chapters 42, 43, 46-48 and Sections 49.01 and .02</i>

Thanksgiving is November 22: Enjoy!

Class 14:	November 29, 2007	TPC Chapters 8 and 9 Big Quiz for Classes 13 & 14 Writing Requirement Re-write
No Class	December 6, 2007	Optional Final Exam Review
Final Exam	<i>Will be held at the time published by the University, TBD</i> <i>[??December 13, 2007 8-10 p.m.]] Tentative Date/Time Final Exam</i>	

6. GRADING:

Quizzes and Class Participation	20%
Exams One, Two and Three	15% each
Writing Requirement*	10%
Final Examination	25%

*** A PASSING GRADE ON THE WRITING REQUIREMENT WILL BE REQUIRED TO RECEIVE A PASSING GRADE IN THIS COURSE, REGARDLESS OF OTHER COURSE WORK.**

The writing requirement may be rewritten only if a failing grade is obtained, and turned in on the dates noted, and on the final exam. I suggest students use the Writing Center. Students should not expect any "curve" to grades. Students may receive up to 3 class participation points per class, up to a total of 10. Quizzes will be worth 1 to 4 points. If more than 10 points of quizzes are given, then they will be averaged in at face value. The percentages correspond to the letter grades following: 90-100 = A; 80-89 = B; 70-79 = C; 60-69 = D; below 60 = F.

7. ATTENDANCE:

Attendance is required and will be recorded pursuant to Academic Policy Statement 800401. MORE THAN SIX HOURS OF ABSENCES WILL RESULT IN FAILURE OF THE COURSE. This rule applies to all absences for whatever reason, except Religious Holy Days, discussed at the link below. It is the responsibility of the student to sign the roll sheet for each hour. Failure to sign the roll is counted as an absence. Falsely signing of roll sheet will result in failure of the course. A student attending all classes earns a bonus of 3%.

8. MAKE-UP EXAMS:

Make-up exams will be scheduled by appointment. Make-up exams will only be given for students who notify the instructor by email 48 hours in advance of the anticipated absence for appropriate cause on exam day or, for students who provide documentation detailing the appropriate cause for the absence, by the beginning of the next class session. In the latter case, such documentation needs to appropriately establish why 48 hour notice could not be given to the instructor of the absence.

9. CLASS CONDUCT:

No food or beverage is permitted in the classroom. Pagers and mobile telephones must be turned off prior to class. Laptop computers may be used for taking notes, but connection to the internet is not permitted during class; laptops may be banned if their use becomes distracting to any class member. Reading outside material during class is not permitted. Hats will not be worn during class. No attire will be worn to class containing messages or symbols that are obscene, offensive, abusive, or derogatory in nature. All members of the class will treat each other with respect. **VIOLATION OF THESE RULES WILL RESULT IN EXPULSION FROM THE CLASSROOM.**

10. STUDENT ABSENCES ON RELIGIOUS HOLY DAY POLICY:

<http://www.shsu.edu/catalog/scholasticrequirements.html#holyday>

11. ACADEMIC HONESTY:

<http://www.shsu.edu/administrative/faculty/sectionb.html#dishonesty>

12. DISABLED STUDENT POLICY:

http://www.shsu.edu/~vaf_www/aps/811006.html

13. SERVICES FOR DISABLED STUDENTS:

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

Essayons!