

# FUNDAMENTALS OF CRIMINAL LAW

CRIJ 1310 CRN 22331

The University of Texas at El Paso

Spring 2016-2017

## **Instructor**

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Office Hours: After class, or by appointment

Phone: 915-791-9753. Please try to limit your calls to emergencies, e.g. you will not be able to take the mid-term or final.

## **Course Time; Location**

Mondays and Wednesdays, 6:00pm – 7:20pm; Liberal Arts Building 319

## **Required Texts**

- Pollock, J (2015). *Criminal Law (11<sup>th</sup> Ed.)* New York, NY: Routledge
- Bogira, S. (2005). *Courtroom 302: A Year Behind The Scenes In An American Criminal Courthouse.* New York, NY: Vintage Books

## **Course Description**

This course will provide students with an overview of fundamental aspects of American criminal law. The course begins by presenting information on principles of criminal law (e.g. what constitutes a crime, different levels of crime) and issues of capacity and defenses. After this look at principles of criminal law, the course reviews legal aspects of different types of crimes (e.g. non-sexual crimes against others, sexual offenses, crimes against property, etc.) Throughout the course, students will also discuss the costs and benefits of these principles of criminal law and how the law defines each of the types of crimes reviewed. Students will also discuss the interplay between the law as written, and the law as applied.

## **Learning Outcomes**

Students will learn:

- 1) Sources of criminal law and punishment
- 2) Component parts of the legal definition of a crime
- 3) Limitations on criminal liability
- 4) Common defenses to include Constitutional-based defenses
- 5) Elements of a wide array of criminal felonies
- 6) Skills/strategies for looking at / thinking about aspects of American criminal law and its operation.

### **Communication**

Email is the best way to communicate with me. I will do my best to respond to your messages within 24 hours, but it may occasionally take me longer to respond. As noted above, please limit calling me at the above number to emergency situations, e.g. you will not be able to take the mid-term or final.

### **Blackboard**

Everything you need for this class can be found on Blackboard. I will make announcements regarding the course via Blackboard periodically, so please check Blackboard *regularly*.

### **Disability Accommodations**

If you have a disability and require accommodation, please contact the Center for Accommodations and Support Services at 915-747-5148 or via email ([case@utep.edu](mailto:case@utep.edu)) during the first week of the semester. They will help you with the required paperwork necessary to obtain accommodation.

### **The University Writing Center**

Students are encouraged to use the University Writing Center if they would like help improving their writing. The University Writing Center is located in the Library, Room 227. The University Writing Center is open Monday -Thursday 9:00 am - 5:00 pm, Friday 9:00 am -2:00 pm, and Sundays 12:00 pm - 5:00pm. Appointments are recommended well before the deadline, but they will take walk-ins.

Please be clear about what the Writing Center is and what it is not. Specifically, the Writing Center is a resource students can use to *become better writers*. It is not intended as a place you can take your paper, have it proofread and then be guaranteed an 'A' on your paper. Put another way, it is not a 'car wash' for your papers. Becoming a better writer takes consistent effort over a long period of time. In many ways, you can think of becoming a better writer like learning a second language. It takes time, effort and practice. Just as it would not be rational to think you could drop by 'The French Center' and walk out an hour later speaking fluent French, it is not rational to think you can drop by The Writing Center for an hour and walk out with a great paper.

*Finally, regardless of if you receive help through the Writing Center or not, you are responsible for the final content of your paper. All papers will be graded in the same manner as discussed more thoroughly below regardless of if the papers were first brought to the Writing Center. In other words, telling me "but I took it to the Writing Center!" will have no effect on your grade for any written assignments.*

### **Withdrawal From / Dropping Of The Course**

If unforeseen circumstances happen where a drop is necessary, *students* are responsible for initiating any course drop. It is the student's responsibility to determine how dropping courses may affect financial aid. **Students are limited to dropping no more than 6 courses over their entire academic career of all courses taken at any public college or University in Texas.**

- a) For students who drop a course within the first 2 weeks *before the official census date (February 1, 2017)*, the course will not appear on the transcript, and doesn't count toward the 6-course drop limit.

- b) Dropping a course *after the official census date (February 1, 2017), but before the course drop date (March 30, 2017)* will generate a “W” in the course—although the drop shows on your transcript, a “W” does not lower your GPA. However, this type of drop counts against your 6 drop limit.
- c) If the course is dropped *after the course drop date (March 30, 2017)* or if the student just stops coming/taking tests, etc., UTEP requires the instructor to issue an “F” in the course that permanently remains on the transcript. This type of drop counts against the 6 drop limit.
- d) UTEP also allows instructors to administratively drop any student because of excessive absences, lack of effort, or disciplinary reasons. In this case, the student will be notified of the course drop through their UTEP email account. A “W” will be issued if the drop occurs before the course drop date, and an “F” will be issued if a student is administratively dropped for disciplinary reasons or after the course drop date. This type of drop counts against the 6 drop limit.
- e) If circumstances occur where a student must miss an excessive number of classes and/or is unable to submit multiple assignments (e.g., student medical reasons, medical conditions of a family member, death of a family member, active military service), they should first discuss the possibility of withdrawal from all classes with their academic advisor. If a student withdraws completely from all classes, kindly notify Dr. Nabors at: [esnabors@utep.edu](mailto:esnabors@utep.edu) . Complete withdrawals from all classes in the same semester do not count against the 6 drop limit.

### **Academic Dishonesty**

Academic dishonesty in any form will not be tolerated. Per UTEP policy, Academic dishonesty includes, but is not limited to, cheating, plagiarism, collusion, the submission for credit of any work or materials that are attributable in whole or in part to another person, taking an examination for another person, and any act designed to give unfair advantage to a student or the attempt to commit such acts.

If I suspect you of engaging in academic dishonesty, I will contact the Office of Student Conduct and Conflict Resolution (OSCCR) regarding my suspicions. OSCCR staff will investigate the situation, decide if you have engaged in academic dishonesty, and will issue what punishment they find appropriate. This process will include asking me what I think your punishment should be. I WILL recommend, at a minimum, that you fail the class.

## Course Policies

### Attendance

#### Class Attendance

I strongly advise you attend class.

Strictly from the perspective of wanting to do well in the course, there ARE topics that will be presented in class but which are not in the book. In addition, by attending class you will have a good idea of what I think is important for you to know. And let's be honest, what I think is important for you to know will likely show up on the tests.

In addition, college is about more than reading the book. If it wasn't, we'd just give you a list of books to read and once you were done you'd get a diploma. Rather, college is about learning to share ideas, learning to learn from others, learning to ask questions, learning to say when the answer you get still does not help, learning to pay attention over a protracted period of time even if it doesn't involve Facebook, and numerous other "meta-skills" that only happen when you are interacting with people. No matter what you want to do after college, developing these skills now will greatly benefit you later.

Showing up for class late, or packing up and leaving early, is extremely distracting to everyone around you. As such, you will be expected to show for class on time and stay for the duration of class and I will consider showing for class late, or leaving early, to be an issue of class attendance.

*Any students who show late, or leave early, will need to sign in or out with name and student number.* Per UTEP policy, if I come to believe that your showing up late, or leaving early, impairs your status relative to credit for the course, I may drop you from the class with a grade of "W" before the class drop deadline and with a grade of "F" after the drop deadline.

#### Attendance at Exams

It is your responsibility to ensure you are able to take the exams when they are scheduled. The reasons I will make exceptions to the exam schedule are a) observance of religious holidays, b) participation in UTEP-sponsored activities (e.g. sports competitions), and c) military duty. *If you expect to miss an exam for any of these reasons, you must alert me by the end of the first week of the semester and submit relevant documentation. Students in one of these situations will be required to take the exam before the rest of the class.*

In *extremely rare* situations, students who miss an exam due to a dire emergency (e.g. death of a family member, serious illness) may be allowed to take an examination after the rest of the class. If this applies to you, you must notify me via e-mail as soon as possible and subsequently provide written documentation of the emergency. If you do need to reschedule an exam because of a dire emergency, you will be expected to do so quickly.

Students who need to take an examination for either of the broad reasons above, and whether they are taking it before or after the rest of the class, may be given an alternate examination (i.e. one different from what the rest of the class takes).

### **Late Written Assignments**

All written assignments are due at 6:00 pm on the night they are due. Turning a written assignment in between one second and 23:59:59 (twenty-three hours, fifty-nine minutes and fifty-nine seconds) late will result in decreasing your score by ten points. Turning a written assignment in between 24 hours and 47:59:59 (forty-seven hours, fifty-nine minutes and fifty-nine seconds) late will result in decreasing your score by twenty points. Written assignments turned in 48 hours or more late will receive a score of zero.

If you bring your written assignment to class on the day it is due but turn it in late, you can still turn it in to me just understand you will have ten points deducted from your score.

If your written assignment is not ready by class time, you will need to e-mail it to me.

### **Classroom courtesy**

Nobody can learn if they are distracted by inconsiderate behavior from those around them. As such, it is very important that everyone exhibit appropriate, courteous behavior while in class. This includes, but certainly is not limited to,

- 1) Refraining from side conversations. Although questions and comments are absolutely encouraged, these should be shared with the whole class in an orderly manner. Turning to the person next to you and having a conversation is terribly distracting not only to those around you but to me as well.
- 2) Leaving your phone alone. It is really distracting to those around you – and me – when you check your phone during class.

Be aware that people also tend to greatly overestimate how well they are hiding that they are checking their phone. The truth is nobody's lap is *that* interesting and the 'Facebook scroll finger flick' is a motion humans only make when checking an app.

Mankind has existed for millennia without smartphones. Even without Snapchat we were able to build the Pyramids, develop written language, and land on the Moon. Keep the tradition alive. Ignore your phone.

(I do recognize you may have family emergencies that require you to be accessible during class time. If you have such a situation, I'm fine with you having your phone available but please step outside of class to answer any calls or respond to texts.)

### **Situations Not Specifically Addressed Above**

Situations not specifically addressed in this syllabus will be addressed on a case-by-case basis. I will consult with other faculty, and reaching the decision on how to address the situation will be based on what is fair to all involved parties including the student at the center of the issue, myself, and other students in the course.

## Determination of Grade

Your grade will be based on the following:

- **First Test (15%)**

February 13, 2017 during regular class time. Exam on material covered in Chapters 1 -3. Multiple choice, fill in the blank, and short answer.

- **Second Test (15%)**

March 8, 2017 during regular class time. Exam on material covered in Chapters 4 – 6. Multiple choice, fill in the blank, and short answer.

- **First Written Assignment (15%)**

Due April 12, 2017. For the first written assignment, you will need to answer the following:

**“Given what we have read in the textbook, *Courtroom 302*, and have discussed in class state whether you believe America is a nation of laws or only appears to be and explain your answer.”**

This written assignment should be 3-4 pages in length, in 12-point, Times New Roman, font. You should use American Psychological Association (APA) citation style.

- **Second Written Assignment (15%)**

Due April 24, 2017. Information on the Second Written Assignment will be given later in the course.

It will also be 3-4 pages in length, and written in 12-point, Times New Roman, font. You should use American Psychological Association (APA) citation style.

- **Final Exam (40%)**

A Final Exam on material presented in Chapters 7 – 12. Will be held during Finals Week. Multiple choice, fill in the blank, and short answer.

Students will be allowed to bring one 3 x 5 card to the First Test, Second Test and Final respectively with whatever information they want to put on it. There can be information on both sides of the card. You can print things out in teeny-tiny font and then tape that sheet to the card, as long as you do not increase the total area of the card. Students will not have to bring Scantron sheets, blue books, or anything else like that to the tests. Just your 3 x 5 card and a pen(s).

### **\*\*\* How The Written Assignments Will Be Graded \*\*\***

The ability to write well is one of the core skills that anyone who attends college should develop and it is my hope that I can help each of you become better writers. Toward this goal, I have written a *Guide To Improving Your Writing* which is posted on Blackboard. Everyone is required to read this guide and will

be held responsible for all information in it. Please feel free to ask me questions about anything in it you do not understand. In addition, clarity of writing and grammar (including spelling) WILL affect your grade on both written assignments.

Here is how the written assignments will be graded.

I will assign an initial score (out of 100) for the overall quality of the points you make in your assignment. This is essentially “how well did you answer the question that lies at the heart of the assignment?” The ‘best’ paper will receive an initial score of 100, with other initial scores assigned relative to the paper that earns the 100.

After this score is assigned, I will then deduct points for lack of clarity and poor grammar in the following way:

A 1-point reduction for each sentence that I consider to be unclear in that I have to read it twice to understand what you are saying. In addition, there will be a 1-point reduction for each simple sentence that reduces the overall stylistic quality of the paper. I understand that sometimes simple sentences improve the clarity of written material. I really do. I do not, however, want people turning in assignments that are a string of simple sentences in an effort to ensure each individual sentence can be understood. My goal here is to push you to become better writers, and turning in a paper filled with simple sentences does not move us toward that goal. These ‘clarity reductions’ will be capped at 10 points so as a poorly written paper will be reduced by one letter grade.

There will also be a 1-point reduction for each of the specific errors listed in Section B of the *Guide To Improving Your Writing*. Because these specific errors are truly very easy to avoid there will be no cap for these reductions.

### \*\*\* “Do you curve your grades?”

Yes, in the following ways.

For the First Test, Second Test and Final Exam, somebody will get the highest score in the class. However many points it takes to get that highest score to 100 will then be awarded to everyone. For example, if the highest score in the class is 95, everybody will get 5 points added to their score.

For the written assignments, and as explained above, the paper(s) which answer the question at the heart of the assignment the best will receive an initial score of 100 with other papers receiving initial scores relative to that paper. This effectively ‘curves’ the scores for the written assignments. Please note, deductions for poor writing and grammatical errors will be deducted from this initial score as explained above.

Because these ‘curves’ are worked into each assignment, there is no ‘curve’ for your final score for the class.

## Grade Breakdown

90 – 100 % = A

80 – 89.99... % = B

70 – 79.99... % = C

60 – 69.99... % = D

0 – 59.99... % = F

You will receive a score of 0 – 100 on each of the five components of your grade (First Test, Second Test, First Written Assignment, Second Written Assignment, Final Exam). Your final grade for the class will be calculated with the following formula:

$$[V(.15) + W(.15) + X(.15) + Y(.15) + Z(.40)] = \text{Final Grade}$$

Where V = score on First Test

W = score on Second Test

X = score on First Written Assignment

Y = score on Second Written Assignment

Z = score on Final Exam

I will not round up. In order to get a grade you MUST get the minimum score listed above for that grade, i.e. an 89.7 is a B, not an A.

## Course Schedule

Adjustments to the course schedule are unlikely, but may occur. Adjustments will be announced in class and via Blackboard.

**January 18, 2017**

**Topic:** Syllabus, Guide To Improving Your Writing, Introduction

**January 23, 2017**

**Topic:** Introduction to Criminal Law (Chapter 1)

**January 25, 2017**

**Topic:** Introduction to Criminal Law (Chapter 1)

**January 30, 2017**

**Topic:** Principles of Criminal Law (Chapter 2)

**February 1, 2017**

**Topic:** Principles of Criminal Law (Chapter 2)



**February 6, 2017**

**Topic: Capacity and Defenses (Chapter 3)**

**February 8, 2017**

**Topic: Capacity and Defenses (Chapter 3)**

**February 13, 2017**

**Topic: \*\*\* FIRST TEST (Covering Chapters 1 – 3) \*\*\***

**February 15, 2017**

**Topic: Preparatory Activity Offenses (Chapter 4)**

**February 20, 2017**

**Topic: Preparatory Activity Offenses (Chapter 4)**

**February 22, 2017**

**Topic: Offenses Against Persons – Excluding Sex Offenses (Chapter 5)**

**February 27, 2017**

**Topic: Offenses Against Persons – Excluding Sex Offenses (Chapter 5)**

**March 1, 2017**

**Topic: Offenses Against Persons – Sex-Related (Chapter 6)**

**March 6, 2017**

**Topic: Offenses Against Persons – Sex-Related (Chapter 6)**

**March 8, 2017**

**Topic: \*\*\* Second Test (Chapters 4 – 6) \*\*\***

**March 20, 2017**

**Topic: Offenses Against Property – Destruction and Intrusion Offenses (Chapter 7)**

**March 22, 2017**

**Topic: Offenses Against Property – Destruction and Intrusion Offenses (Chapter 7)**

**March 27, 2017**

**Topic: Offenses Involving Theft and Deception (Chapter 8)**

**March 29, 2017**

**Topic: Offenses Involving Theft and Deception (Chapter 8)**

**April 3, 2017**

**Topic:** Peer Review of First Paper.

*All students must bring a rough draft of their First Paper to class. This rough draft should be a complete paper, and should be thought of as what you would turn in if we were not doing the Peer Review.* Each student will review another student's paper, providing critique of the paper based on given criteria. Staff from the Writing Center will facilitate the Peer Review process.

**April 5, 2017**

**Topic:** Offenses Involving Morality and Decency (Chapter 9)

**April 10, 2017**

**Topic:** Offenses Involving Morality and Decency (Chapter 9)

**April 12, 2017**

**Topic: \*\*\* FIRST PAPER DUE \*\*\***

Discussion of First Paper

**April 17, 2017**

**Topic:** Offenses Against Public Peace (Chapter 10)

**April 19, 2017**

**Topic:** Offenses Against Public Peace (Chapter 10)

**April 24, 2017**

**Topic: \*\*\* SECOND PAPER DUE \*\*\***

Discussion of Second Paper

**April 26, 2017**

**Topic:** Offenses Against Justice Administration (Chapter 11)

**May 1, 2017**

**Topic:** Offenses Against Justice Administration (Chapter 11)

**May 3, 2017**

**Topic:** Business and Corporate Crimes (Chapter 12)