

**THE UNIVERSITY OF TEXAS AT
EL PASO
COLLEGE OF LIBERAL ARTS**

DEPARTMENT OF CRIMINAL JUSTICE

Course #: **CJ 1310:** Fundamentals of Criminal Law (3-0) Focuses on the history and philosophy of modern criminal law, including the structure, definition, and application of statute and leading case law and the elements of crimes and penalties.

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, distinct levels of crime) and issues of capacity and defenses. After this look at principles of criminal law, the course reviews the legal aspects of several types of crimes (e.g. non-sexual crimes against others, sexual offenses, crimes against property, etc.) We will also examine the costs and benefits of these principles of criminal law and how the law defines each of the types of crimes reviewed.

Course Title: **Fundamentals of Criminal Law**

Course CRN: 11973

Term: FALL 2019

Course Meeting Time: Tuesday and Thursday 1:30 am – 2:50 am

Location: LART 222

Instructor: Luis A. Arias, BA, JD

Office Location: EDUC 111

Contact Info: Phone # 915.747.7943
larias2@utep.edu
Fax # 915.747.5751
Emergency Contact 915.218.8103

Office Hrs.: 9:00 am – 10:00 am Tuesday and Thursday, by appointment

Textbook(s), Materials: Required: Frank Schmalleger, Daniel E. Hall, J.D., *Criminal Law Today*, 6th Edition, Pearson, 2017, ISBN-13 978-0-13-4293882; Student Loose Leaf w/ Access Card; **Available at UTEP Bookstore.**

Suggested: Internet and current news articles

Course Objectives

(Learning Outcomes):

During the class, the students will be able to identify, understand, articulate, apply, and evaluate the following concepts and/or models:

- a. The sources of criminal law and punishment;
- b. The component parts of the legal definition of a crime;
- c. The limitations on criminal liability;
- d. The limitations on government actions;
- e. The common defenses to include Constitutional-based defenses;
- f. The elements of a wide array of criminal felonies and misdemeanors;
- g. The skills/strategies for looking at and thinking about aspects of American criminal law and its operation; and,
- h. Specific topics.

Course Activities/Assignments:

Textbook chapter readings and lectures, outside readings, group discussions, oral presentations with PowerPoint, and analytical papers as required by the Professor.*

Assessment of Course Objectives:

Students will be required to read course materials assigned by the Professor and complete all individual and group activities as assigned. The course will be divided into a number of clusters or units together with sub-topics, which collectively comprise the subjects. Upon completion of the clusters or units, the student will be able to complete the objectives with a thorough comprehension, explanation, discussion and application thereof. The students will be administered objective and/or subjective examinations during the class to assess the students' understanding of the subject matter/course material.

1. Students will be administered four written tests to measure their understanding of the course content. The examinations will be administered and proportionally spaced out throughout the semester. Examinations will be graded based on class lectures, group discussions, assigned readings from the textbook(s), and/or outside readings. Written objective and/or subjective (essay) tests are valued at 100 points each. Blue Books are required for essay tests, and a scantron is required for each objective test. It is the students' responsibility to purchase both items. Any extra credit assignments are at the instructor's discretion.
2. Any student who has an "A" average going into the final examination will not be required to sit for the final examination and will receive an "A" for the course.

3. At the instructor's discretion, students may be required to submit a research and/or analysis paper(s). The instructor will provide report requirements during the class. Deductions will be made for each error: not following directions, proofreading, formatting, typographical problems including incorrect text, etc. A numeric grade will be assigned.

Writing Center: The University Writing Center (UWC) is in the Library, Room 227. It is a suitable place to receive help with editing your written papers and with APA style assistance. The UWC is open Monday – Thursday 9:00 am – 5:00 pm, Friday 9:00 am 2:00 pm, and Sundays 12:00 – 5:00 pm. Appointments are recommended before the deadline, but the UWC will take walk-ins. The UWC telephone number and email address are 747-5112 and uwc@utep.edu.

Grading Policy: All grading is at the professor's discretion and based on traditional academic guidelines:

90- Above - A
80- 89 - B
70-79 - C
60 - 69 - D
59 – Below- F

- All class assignments are due when scheduled
- Late submissions will result in grade reduction.
- All written assignments must be submitted in APA format and/or as directed by the Professor without exception.
- Any approved rewrites must be accompanied with the original document.
- There will be four class examinations, see supra and infra.
- Students will be tested over all assigned textbook (s) reading assignments, outside reading assignments, class lectures, and/or group assignments.
- All examinations must be taken on the date and beginning time scheduled. There are no make-up examinations, and the student will receive a score of "0" for any missed examinations. There will be no leaving the room when test begins.

Attendance and Participation Policy: Class and examination attendance is mandatory. Students are expected to be in class and be on time. Students who miss class are responsible for contacting fellow classmates to obtain notes. I will not allow students to borrow my notes, and I do not give repeat performances of my lectures. This also goes for students arriving late to class or leaving early. **Note:** I do not post my PowerPoints on Blackboard.

Drop Policy: The course drop policy for this course is the same as the official policy for the University of Texas at El Paso. The policy is set out in the University catalog. The instructor also has discretion in this matter and has the right to drop a student from the course if the student has excessive unexcused absences or is continuously late to class,

see *infra*. A student will not be allowed more than three (3) unexcused absences during the semester. If a student accumulates more than three (3) unexcused absences, the instructor has the right to drop the student from the course. Please refer to UTEP Drop Policy:

http://engineering.utep.edu/plaza/AcademicForms/Course_Drop_Form_aftercensusday.pdf; and

http://utepconnect.utep.edu/images/docs/accepted_students/learning_online/Know_University_Policy.pdf.

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) Students who drop a course within the first 2 weeks *before the "official census date,"* the course will not appear on the transcript, and doesn't count toward the 6-course drop limit. **Note:** The Census date is September 11, 2019.
- b) Dropping a course *after the official census date, but before the "course drop date"* 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. **Note:** The course drop deadline is November 1, 2019.
- c) If the course is dropped *after the "course drop date"* 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 Professor Arias at: larias2@utep.edu. Complete withdrawals from all classes in the same semester do not count against the 6-drop limit.

Academic Integrity Policy: Academic dishonesty includes cheating on an exam, turning in someone else's assignment from a previous class or plagiarism: "(1) use by paraphrase or direct quotation of the published or unpublished work of another person without fully

and properly crediting the author with citations or biographical reference; (2) unacknowledged use of work/materials prepared by another person or agency engaged in the selling of term papers or other academic materials; (3) unacknowledged use of original work/material that has been produced through collaboration with others without release in writing from collaborators.”

The Professor takes cases of alleged academic dishonesty seriously. For students who are found to have engaged in any form of academic dishonesty, sanctions may include a failing grade on the assignment or exam in question, a failing grade in the course, suspension, or dismissal from the University. See <http://www.utep.edu/dos>

Violations will be referred to the Dean of Students Office for possible disciplinary action. For students who are found to have engaged in any form of academic dishonesty, sanctions may include a failing grade on the assignment or examination in question, a failing grade in the course, suspension, or dismissal from the University.

Civility Statement:

The Professor will endeavor to provide a classroom environment appropriate for academic knowledge, discourse, and debate. For this to occur, each student must be prepared with all the reading assignments and participate actively in class. We will respect what others should say and avoid insults, interruptions and disrespect. We will avoid becoming politically charged when discussing sensitive topics.

Cell Phones will be turned off or set to vibrate during class. As a matter of courtesy and classroom policy, students must leave the classroom when accepting incoming calls.

Laptop and recording devices are permitted in classroom to facilitate note taking. No other computer use is approved during class time, to include, emailing and game playing. Using a laptop in the classroom is a privilege, which can be revoked by the instructor. The use of smart and cell phones, smart watches, and laptops is NOT permitted during examinations. Students will not be allowed to leave the classroom during examinations.

Disability Statement:

If a student has or suspects he/she has a disability and needs an accommodation, he/she should contact the Center for Accommodations and Support Services (CASS) at 747-5148 or at cass@utep.edu or go to Room 106 Union East Building. The student is responsible for presenting to the instructor any DSS accommodation letters and instructions.

Military Statement: If you are a military student with the potential of being called to military service and/or training during the semester, you are encouraged to contact Professor Arias immediately.

Blackboard Requirement*: We will be using Blackboard during the semester. Make

certain you become familiar with the program. Outside textbook reading assignments will be placed on Blackboard. You can access Blackboard from any campus computer or from your home. Please consult the UTEP system or see me if you need instructions on how to use Blackboard. Each student is required to have a working email address.

Course Calendar/Assignments/Fall 2019. Please Note: The Professor has the right to make any changes to the course or syllabus. Students should attend class to stay informed of any changes.

Week One:	Aug 27	Course Introduction; <i>The Night Of</i> : BBC series “Criminal Justice,” HBO production; Conscientizacao; Chapter 1: The Nature and History of Criminal Law
	Aug 29	Chapter 1; <i>The Runaway Trolley</i>
Week Two:	Sep 3	Chapter 2: Criminal Liability and the Essence of Crime; <i>Nora the Nosey Neighbor exercise</i>
	Sep 5	Chapter 2; <i>Crime and Punishment</i> and <i>Brothers Karamazov</i> by Fyodor Dostoevsky Case Study and Discourse
Week Three:	Sep 10	Chapter 3: Expanding the Concept of Crime
	Sep 12	Chapter 3
Week Four:	Sep 17	Unit I Test (Chapters 1, 2, 3) Review
	Sep 19	Unit I Test (Chapters 1, 2, 3)
Week Five:	Sep 24	Chapter 4: Expanding Criminal Liability: Inchoate Offenses; <i>US Customs and Border Protection Presentation</i>
	Sep 26	Chapter 4
Week Six:	Oct 1	Chapter 5: Justifications as Defenses; <i>The Regina (Queen) v Dudley & Stephens</i>
	Oct 3	Chapter 5; <i>The Journey exercise</i>
Week Seven:	Oct 8	Chapter 6: Defenses: Excuses and Liabilities <i>EP Police Presentation</i>

	Oct 10	Chapter 6 Defenses: Excuses and Liabilities
Week Eight	Oct 15	Unit II Test (Chapters 4, 5, and 6) Review
	Oct 17	Unit II Test (Chapters 4, 5, and 6)
Week Nine: Homicide	Oct 22	Chapter 7: Crimes Against Person:
	Oct 24	Chapter 7
Week Ten:	Oct 29	Chapter 8: Crimes Against Persons: Assault, Sex Offenses, and Other Crimes; <i>The S. Martinez Case Study</i>
	Oct 31	Chapter 8
Week Eleven:	Nov 5	Chapter 9: Property and Computer Crimes; Unit III Test (Chapters 7, 8, & 9) Review
	Nov 7	Unit III Test (Chapters 7, 8, & 9); Blue Books required for examination
Week Twelve:	Nov 12	Chapter 10: Offenses Against Public Order and the Administration of Justice
Morality	Nov 14	Chapter 11: Offenses Against Public
Week Thirteen:	Nov 19	Chapter 12: Terrorism and Human Trafficking;
	Nov 21	Chapter 13: Victims and the Law
Week Fourteen:	Nov 26	Chapter 14: Punishment and Sentencing
	Nov 28	Institutional Holiday – University Closed; Chapter 14: Punishment and Sentencing; Outside reading assignment and roundtable discussion of Albert Camus’ <i>Reflections on the Guillotine</i>
Week Fifteen:	Dec 3	Chapter 14; Roundtable discussion of Albert Camus’ <i>Reflections on the Guillotine</i>
	Dec 5	Review for Final Exam

Week Sixteen: Dec 12 Final: May 16, 2019 1:00 pm – 3:45 pm