

Criminal Law
CJ 1330 -- Catalog # 30646
Fall 2008
Classroom: GC 407 – MWF – 11:00 to 11:50

Instructor: Carl Franklin, Associate Professor
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Office Hour: M –F, 1:30 to 2:30 – Please note that office hours are subject to change without notice depending on the other demands on campus.

Required Textbook: *Criminal Law: State and Federal Perspectives*, by Carl Franklin (Note: an updated version is available by purchase through the publisher's online catalog and from the SUU Bookstore. The updated version only changes some typographical errors from the first edition, so there is no substantive change.).

Academic Integrity: Scholastic dishonesty will not be tolerated and will be prosecuted to the fullest extent. You are expected to have read and understood the current issue of the student handbook (published by Student Services) regarding student responsibilities and rights, and the intellectual property policy, for information about procedures and about what constitutes acceptable on-campus behavior.

ADA Statement: Students with medical, psychological, learning or other disabilities desiring academic adjustments, accommodations or auxiliary aids will need to contact the Southern Utah University Coordinator of Services for Students with Disabilities (SSD), in Room 206F of the Sharwan Smith Center or phone (435) 865-8022. SSD determines eligibility for and authorizes the provision of services.

Course Description: An examination of substantive criminal law which includes definition of law, definition of crime, general principles of criminal responsibility, elements of the principle crimes, punishments, and conditions or circumstances which may excuse the accused from criminal responsibility or mitigate punishment.

References: The library on campus maintains a very good collection of materials covering topics related to this class. Some of the main Dewey Decimal Classification numbers associated with topics covered in this course includes: (1) 363.2 - Police, (2) 364 - Criminal Justice - Administration of Justice, (3) 364 - Crime & Criminals, and (4) 364 - Law Enforcement. Students may also find many of the reference books or magazines in the library helpful.

Course Objectives/Learning Outcomes: At the conclusion of this course students are expected to be able to:

1. Identify the components of criminal law.
2. Distinguish between criminal and civil law.
3. Identify the sources of criminal law
4. Identify the essential elements of Criminal Law Theory
5. Identify the Parties to the Crime
6. Identify and Define the elements of the Major Crimes Against Persons
7. Identify and Define the elements of the Major Crimes Against Property
8. Identify and Define the elements of the Major Crimes Against the Public Morality
9. Identify traditional defenses to criminal actions
10. Identify and Explain the Inchoate Crimes

Policies on Late Assignments: The Criminal Justice system, especially the courts, is a very time focused profession where tardiness is rarely tolerated. In fact, in some instances being late with an assignment or work can result in the loss of a criminal prosecution and even injury to innocent citizens. To help prepare students for this type of work the instructor requires that students prepare and submit all materials in a timely fashion. Acceptance of a late assignment is discretionary, and may result in loss of partial or even all points.

Class Attendance and Accountability: Students are expected to be in class at the assigned time. The professor employs a combination of methods to reward attendance and measure accountability. This may include pop-quizzes, discussion questions, in class assignments, or other methods. Please review the following information on Planned and Unplanned Absences as well as the policy on makeup work.

Planned Absences: Students involved in approved activities may be excused from class; however, they are not excused from the work associated with class. Students who have planned absences (including athletes and scholars) must submit a written request for approval of the absence. This request ***should not*** be submitted directly to the professor but instead should be submitted to the graduate assistant assigned to this class or to department support staff in GC406. Obtain a copy of the Absence Approval form at the faculty members SUU webpage. Please do not send an email, leave a phone message, or otherwise ask for an excused absence without first submitting the Absence Approval form.

Unplanned Absences: Unplanned absences are evaluated on a case-by-case basis. If an unplanned absence occurs at the time of a scheduled exam then the student must submit an Absence Approval form as highlighted above. An unplanned absence will not be excused unless the form is completed with supporting evidence of need and eligibility for an excused absence.

Makeup work: The professor adopts the following policy for work in this class:

Scheduled Exams & Quizzes – Approved Absences – Students who submit an Absence Approval form in a timely fashion will be provided a scheduled time to makeup missed exams. The exams will be given in the CJ office located in GC406. Students should report to a CJ support worker to take the exam at the assigned time.

Scheduled Exams & Quizzes – Unapproved Absences – Makeup for scheduled exams is not generally allowed for unapproved absences.

Homework & Other Assignments – Students are given ample time to complete homework or outside assignments. Absence on the day an assignment is made is not an excuse for late work. As a rule most late assignments can be avoided by committing to and completing the assignments immediately after they are made. Due diligence in completion prevents late assignments. Procrastination is not an excuse.

Distribution of Grades: A public distribution and return of papers, including exams, will be done in class only once. If you are not present at that time then you must contact the student assistant assigned to me to get your papers. Do NOT ask for your paper to be returned from me during class time. It is YOUR JOB to make arrangements to get the paper or grade from my graduate assistant or one of the department student support personnel.

Attendance & Participation: Attendance is expected at all regularly scheduled class meetings. Research shows that students who miss classes generally perform 20% lower than those that attend and participate. While the professor does not maintain a regular attendance sheet he does use unannounced quizzes to measure class attendance. If you are not present when a quiz is taken then you can not make the work up. This means that your overall score may be lowered as per the rubric set out below. It is anticipated that as many as 10 quizzes will be administered during the semester.

Grading: Final Grades are assigned according to the following schedule:

	A = 100 - 93%	A- = 92 – 90%
B+ = 89 - 87%	B = 86 – 83%	B- = 82 – 80%
C+ = 79 - 77%	C = 76 – 73%	C- = 72 – 70%
D+ = 69	D = 68	
F = 67% and below		

Grades are determined by using the following weighted scale:

Quizzes	5%
Homework	10%
Exam #1	15%
Exam #2	15%
Exam #3	15%
Exam #4	15%
Final Exam	25%

Disputes About Your Grade: As the semester progresses it will be your job to keep track of your grade. Homework and exams will be returned to you, and if there are disputes on the grade then it is your job to present evidence of the correct grade. In addition, if you feel that you were given an inappropriate grade then you should bring evidence of the error or omission to me in private. I will NOT discuss grades in a public setting. Any disputes about the grade will subject the entire assignment to a review, and grade changes – including both increase and decrease – will be made when appropriate. Grades will NOT be posted to a public forum such as the Internet or bulletin board.

Participation: Participation in class discussions is encouraged but not required. The professor recognizes that some students learn better when they listen while others need to be heard. All students are encouraged to participate in order to exercise their ability to think and advocate a position. Quality of an idea is not always based on the quantity of words spoken.

Extra or Co-Curricular Activities: None are required.

Tutor or Extra Help: If you have problems with any of the material in this class then you may obtain help from the professor. Please do not hesitate to ask for help. The SUU Student Success center also provides help for selected classes. Check the center’s schedule and topic availability.

Bonus Points and Extra Credit: None. Students are expected to use the assignments/exams made available during the class to establish their knowledge, understanding, and competency in this class.

Plagiarism – Unfortunately many students don’t seem to fully understand what plagiarism is or why it is not acceptable at this university. Plagiarism is using the work of someone else and taking credit for it. The best example is when you take something from the Internet and then put your name on it for credit.

My policy on plagiarism is very simple. If I catch you plagiarizing anything for this class then you will be punished. Punishment may range from the lowering of a grade to full removal of all credit and grades. In other words, if I catch you then I’ll likely flunk you, plus I’ll turn you in to the university for internal prosecution.

Complaints: Both the Department of Political Science & Criminal Justice and the university have clearly defined procedures for complaints regarding academic matters. The first step of any complaint is to take the matter to the professor. My goal is to actively seek a quick and agreeable solution to any problem. You should not feel uncomfortable, intimidated, or hesitant about bringing issues to my attention.

Disclaimer: Information contained in this syllabus, other than that for grading and late assignments, may be subject to change with advance notice, as deemed appropriate by the instructor.

Final Exam and Academic Calendar: Copies of the final exam and academic calendars have been posted on the university website. To alleviate any confusion all inquiries about final exam dates or academic calendar will be referred to the official statements on the website. This helps to avoid potential confusion or misinformation. It is your job to make sure you know when things are due.

Scantron Score Sheets: All examinations in class will be given using the Scantron electronic grading system. This requires the student to provide their own Scantron Score Sheet. These sheets can be purchased from the university bookstore. The POLCJ office also keeps a supply of sheets which may be purchased at the main desk in GC406. You must use a #2 lead pencil to mark the sheets.

Handwriting: Homework and out of class assignments generally require submission of work from the student. Typed papers are preferred. If a student elects to submit handwritten papers then they must be readable. If I can not read your handwriting then I will assume you missed the question or do not know the material.

Absence from Lecture: If you are absent from a lecture or class session then please do not expect me to make up the material for you. Lectures and course material are covered only once, and at the times they are assigned during the semester. I will not provide make-up material or notes. It is your job to find replacement material. It is suggested that you make an alliance with other students in the class to help you obtain past notes or class material.

Handouts and other material in the class will be deposited in a folder which will be in the plastic tray outside of my office. They will remain in the tray for up to two days following the lecture or class that they were used in. If you miss class then get the material from the tray. If the material is gone from the tray then please contact my student assistant to get copies. I will not hand out copies personally. Copies will not be available from any source after seven (7) past the original distribution date.

Cell Phones, Laptops, Texting, etc.: Cell phones should be turned off or on silent mode. You may use your cell phone to receive emergency information, but it should not give an audible signal during class. You may not talk or text on the phone during class. You should only leave class for a cell phone message if it is an emergency; otherwise, the message can wait until class is over. Laptops may be used, but the keyboard should be quiet/silent. The laptop can be used only for taking notes. Internet access or non-class related use is restricted. Students who violate this policy will be asked to leave class and will not be allowed to make up work.

Course Schedule: The following proposed course schedule is adopted for this semester and is subject to adjustment and change as required.

Chapter 1: The Foundations of Criminal Law

- 1.1 Chapter Objectives
- 1.2 Introduction
- 1.3 The Origins of Criminal Law
 - 1.3.1 Natural Law and Social Groups
 - 1.3.2 The Development of Tribal Law
 - 1.3.3 Changing Social Conditions
 - 1.3.4 Law and Formal Control
- 1.4 The Development of Modern Criminal Law
 - 1.4.1 Nature of Modern Criminal Law
 - 1.4.2 Purpose of Criminal Law
 - 1.4.3 Criminal Law and Morality
- 1.5 Criminal Punishments: Limits and Purposes
 - 1.5.1 Purpose of Punishment
 - 1.5.2 Theories of Punishment
- 1.6 Classifying and grading crimes
- 1.7 Categories of Criminal Law
 - 1.7.1 Felony
 - 1.7.2 Misdemeanor
 - 1.7.3 Violation
- 1.8 Lesser Included Crimes

Chapter 2: The General Theories of Criminal Law

- 2.1 Chapter Objectives
- 2.2 Introduction
- 2.3 Types of Law
 - 2.3.1 Procedural and Substantive Law
 - 2.3.2 Criminal, Civil, and Administrative

- 2.3.2.1 Criminal Law
- 2.3.2.2 Civil Law
- 2.3.2.3 The Difference Between Criminal & Civil
- 2.3.2.4 Administrative Law
- 2.4 Burden of Proof
 - 2.4.1 Standard of Proof
 - 2.4.2 Applying the Burden of Proof
 - 2.4.3 The Affirmative Defense
- 2.5 The Actus Reus (Physical Act)
 - 2.5.1 The Voluntary Act
 - 2.5.2 Status as a Criminal Act
 - 2.5.3 Failure to Act as a Crime
 - 2.5.4 Possession as a Criminal Act
- 2.6 The Mens Rea (Guilty Mind)
 - 2.6.1 Intent and Knowledge
 - 2.6.2 Culpable Mental State under Utah 76-2-102, 76-2-104
- 2.7 Intent
 - 2.7.1 Transferred intent 76-2-105

Chapter 3: Parties to the Crime

- 3.1 Chapter Objectives
- 3.2 Introduction
- 3.3 Principals
- 3.4 Accomplice
- 3.5 Accessories
- 3.6 Liability for the Action of Others

Chapter 4: Defenses to Criminal Liability

- 4.1 Chapter Objectives
- 4.2 Introduction
- 4.3 Types of Defenses
 - 4.3.1 Factual Defenses
 - 4.3.2 Legal Defenses
 - 4.3.3 Affirmative Defenses
- 4.4 Results of Successful Defense
 - 4.4.1 The Perfect Defense
 - 4.4.2 The Imperfect Defense
- 4.5 Justification Defenses
- 4.6 Excuse

Chapter 5: Inchoate Crimes

- 5.1 Chapter Objectives
- 5.2 Introduction
- 5.3 The Incomplete Act
- 5.4 Establishing the Inchoate Offense
- 5.5 Attempt
 - 5.5.1 The Physical Proximity Test
- 5.6 Conspiracy
- 5.7 Solicitation

Chapter 6: Crimes Against Persons

- 6.1 Chapter Objectives
- 6.2 Introduction
- 6.3 Sex Offenses

- 6.4 Bodily Injury Crimes
- 6.5 Personal Restraint Crimes

Chapter 7: Crimes Against Property

- 7.1 Chapter Objectives
- 7.2 Introduction
- 7.3 Defining Property
 - 7.3.1 The Historical Perspective on Property
 - 7.3.2 Tangible and Intangible Property
 - 7.3.3 Categories of Property Crime
 - 7.3.4 Statutory Definitions of Property
- 7.4 Trespass
- 7.5 Taking Crimes

Chapter 8: Crimes Against Public Order and Morals

- 8.1 Chapter Objectives
- 8.2 Introduction
- 8.3 Disorderly Conduct Crimes
- 8.4 Quality of Life Crimes
- 8.5 Victimless Crimes

Chapter 9: Crimes Against the State

- 9.1 Chapter Objectives
- 9.2 Introduction
- 9.3 Treason
- 9.4 Sedition
- 9.5 Sabotage
- 9.6 Espionage
- 9.7 Crimes Against Justice

Chapter 10: Applied Criminal Law

- 10.1 Chapter Objectives
- 10.2 Introduction
- 10.3 Roles and Parties
- 10.4 Anatomy of a Criminal Case