

**SUL ROSS STATE UNIVERSITY- RIO GRANDE COLLEGE  
DEL RIO \* EAGLE PASS \* UVALDE  
DEPARTMENT NATURAL AND BEHAVIORAL SCIENCES  
CRIMINAL JUSTICE PROGRAM  
COURSE SYLLABUS**

- COURSE TITLE:** CRIM 3305: Substantive Law
- CLASSROOM:** DR 101; EP B114; UV B111
- COURSE PERIOD:** Tuesday & Thursday 09:30 – 10:45 AM
- PROFESSOR:** Dr. Ferris Roger Byxbe ([fbyxbe@sulross.edu](mailto:fbyxbe@sulross.edu))
- BIOGRAPHY:** <http://faculty.sulross.edu/fbyxbe>
- OFFICE:** Faculty Building 205, Del Rio Campus
- OFFICE PHONE:** 830-703-4834 Office; 830-703-4831 Fax
- OFFICE HOURS:** Tuesday & Thursday 09:00 AM – 12:00 PM & 2:00 – 4:00 PM
- COURSE DESCRIPTION:** The goal of this course is to master the elements of substantive law and procedural due process in the enforcement of criminal law. This course will provide a foundation for understanding the rule of law and purpose of law in an attempt to maintain an ordered society. Civil liberties of the constitution are addressed and civil liabilities influencing the criminal justice system are explored.
- TEXTBOOK:** Criminal Law, 12<sup>th</sup> edition (2015)  
Thomas J. Gardner & Terry M. Anderson  
Cengage Learning  
ISBN: 978-1-285-45841-0

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- ACADEMIC SUCCESS:** Students are encouraged to adhere to the following recommendations in order to achieve academic success in this course.
- (1) Attend all class sessions.
  - (2) Take comprehensive notes.
  - (3) Read assigned chapters thoroughly.
  - (4) Know chapter learning objectives/key cases/terms..
  - (5) Prepare timely for each examination.
  - (6) Review study guides and power points in Bb.

**DISHONESTY:**

Academic cheating and plagiarism is not acceptable behavior. It violates university policy and human ethics. If a violation occurs the penalty will result in the grade of “F” for the semester.

**EXAMINATIONS:**

Exams have been structured to mandate maximum participation in this course of study.

- **There will be no make-up exams for any reason.**
- **Exams will not be reset for any reason.**
- Exams will consist of multi-formatted questions taken from weekly assignments.
- **It is highly recommended that all exams be taken in the computer laboratory on the Rio Grande College campus.** Please note that off campus internet systems, browsers, and personal computers may not interface effectively and/or efficiently with the university Blackboard system, and thus, a student may lose connectivity and be dropped off-line during an exam.
- **Weekly exams will be made available on Blackboard for 24 hours each Tuesday.** Weekly exams may be accessed one-time only for a period of 75 minutes (one class period). Students will be timed-out should they exceed the allotted testing period.

**GRADING SCALE:**

1260 - 1400 = A  
1120 - 1259 = B  
980 - 1119 = C  
840 - 979 = D  
0 - 839 = F

NOTE: Each exam is worth 100 points x 14 exams = 1400 total points.

*The professor assumes no responsibility for student omissions or technology problems.*

**SEMESTER GRADES:**

Final semester grades are reported to the Office of Admissions & Records. Student grades are posted on Banner for review at the conclusion of each semester.

**COMPUTER LABS:**

Rio Grande College computer labs are open Monday – Thursday 8:00AM - 9:00PM and Friday 8:00AM – 5:00PM. **RGC Computer labs are not open weekends.** However, students may avail themselves to the SWTJC computer labs with valid ID.

**CHAPTER OBJECTIVES:** Upon reading assigned chapters in the textbook with a thorough review of the key concepts, terms, case law and learning objectives within each chapter the student will acquire extensive knowledge of the following subject-matter materials to be inclusive on each examination.

#### Chapter 1: Criminal law: Purpose, Scope and Resources

1. Identify the branches of government, and their relationship to the criminal law.
2. Describe the difference between public law and private law, including the difference between criminal law and tort law.
3. List the reasons people commit crimes, and why they do not.
4. Understand the four generally recognized goals of the criminal justice system.
5. Know the meaning of police power.
6. Identify the general limitations on the exercise of the police power by government.
7. Know the meaning of the phrase *nulla poena sine lege*.
8. List and describe five specific constitutional limitations on the power to create a criminal law.
9. Define circumstances that would make a criminal law a status crime.
10. Trace the origin of the common law to its place in criminal law today.

#### Chapter 2: Jurisdiction

1. Explain why a state has general power to make criminal law and to prosecute those who violate the law.
2. List the specific powers granted to the federal government to make criminal laws.
3. Draw the boundaries for congressional power under the Commerce Clause to regulate actions through criminal laws.
4. Identify the ways a state can obtain jurisdiction over the person of a defendant charged with violation of a criminal law.
5. Explain the basis for an international court to claim jurisdiction over a person charged with a violation of international law.
6. Describe the "Federal Domain".
7. Identify the jurisdiction of military courts.
8. Describe the jurisdiction of Indian Tribal Courts.

#### Chapter 3: Essential Elements of a Crime

1. Explain the meaning of and difference between *actus reus* and *mens rea*.
2. Identify when a criminal statute includes a requirement of a specific intent.
3. Write a simple criminal charge that does not have as an element a specific intent.
4. List the Model Penal Code degrees of culpability and their accompanying mental state.
5. Distinguish between motive and intent.
6. Identify some of the similarities of strict liability crimes.
7. Explain why the year-and-a-day rule is a rule of proximate cause.
8. Identify the relationship between use of presumptions in the prosecution's case and the

Due Process Clause.

9. Explain why a conclusive presumption is prohibited.

#### Chapter 4: Criminal Liability

1. Identify when conduct has crossed the line between thinking about committing a crime and attempting to commit a crime.
2. Explain the function and need of corroborating evidence in solicitation prosecutions.
3. Identify the steps that must be taken before one can be guilty of a conspiracy.
4. Explain when, if ever, impossibility of committing the completed crime is a defense to a charge of attempt.
5. Identify the circumstances when abandonment of the criminal purpose can have an effect on liability for an attempt, or liability for criminal acts done in a conspiracy.
6. State the rule for liability of one conspirator for actions of another.
7. List the parties who can be treated as principals for purposes of criminal liability.

#### Chapter 5: Criminal Responsibility and the Capacity to Commit a Crime

1. Learn when a child can be held responsible for violation of a criminal law.
2. Distinguish between the method of imposing criminal liability upon a child under age 7, and a child of age 14.
3. List the two prongs of the M’Naghten Rule.
4. Describe the difference between the M’Naghten Rule and the “substantial capacity” test.
5. Identify the extent, if any, to which the voluntary use of drugs or alcohol may be used as an insanity defense or diminished capacity defense.
6. Distinguish the “not guilty by reason of insanity” verdict from the verdict of “guilty but mentally ill” verdict.
7. List factors that may present issues of a criminal defendant’s competency to be tried on criminal charges.
8. Explain why a defendant of questionable competency should not be tried for a criminal violation.

#### Chapter 6: Law Governing the Use of Force

1. Identify the three key points for determining when force is justified.
2. Describe the “castle” doctrine and explain what it says.
3. Determine how “stand your ground” laws affect the general rules for using force and the effect such laws have on the “castle” doctrine.
4. List the circumstances that justify a police officer using non-deadly force in making an arrest.
5. Explain why the Fourth Amendment applies to use of force by a police officer.
6. Identify the circumstances that would justify the use of deadly force by a police officer.
7. List the people who may use force in the discipline of children.

#### Chapter 7: Other Criminal Defenses

1. Identify the kinds of immunity to criminal prosecution available, and their limits.
2. Determine when, if ever, a mistake of fact or law may provide a defense.
3. Distinguish between the defense of duress and necessity.
4. State why the Double Jeopardy Clause prohibits successive prosecutions for the same crime.
5. Distinguish between a prosecution for the same offense or for a separate offense.
6. Learn the difference between *res judicata* and collateral estoppel.
7. Identify the tests that determine when government inducements become entrapment.
8. List the factors that determine when a speedy trial violation has occurred.

#### Chapter 8: Criminal Punishment

1. Explain the text of the Cruel and Unusual Punishment Clause.
2. Explain the relationship between the Sixth Amendment and sentencing provisions that permit a judge to determine when an enhanced sentence should be given a criminal defendant.
3. State the present status of the Federal Sentencing Guidelines.
4. Identify the procedures a school official must follow before imposing corporal punishment on a student.
5. Explain why the death penalty was declared unconstitutional in *Furman v. Georgia*.
6. Identify at least three groups of persons who cannot be given the death penalty.
7. Describe the kinds of evidence that must be produced if the prosecution seeks imposition of the death penalty after a jury has found the defendant guilty of the crime charged.
8. Define “three strikes” law and list the common characteristics of such laws.

#### Chapter 9: Free Speech and Public Order Crimes and the Bill of Rights

1. Read and remember the First Amendment.
2. Identify the difference between fighting words and merely rude language.
3. Define a “clear and present danger.”
4. List the circumstances that permit government to regulate speech based on content.
5. Define obscenity.
6. State when a threat becomes a “true threat”.
7. Describe some ways one person might “stalk” another person in violation of a criminal law.
8. Identify when an assembly becomes “unlawful.”
9. State the basis for the Supreme Court’s decision that the Second Amendment is binding on the states.

#### Chapter 10: Homicide

1. Know the meaning of *corpus delicti* and its role in criminal prosecutions.
2. State the current status of the year-and-a-day rule and why its acceptance has waned.
3. Identify the “born alive” requirement.
4. Explain the doctrine of transferred intent.
5. List the homicides that do not require proof of intent to kill.

6. Identify which deaths that occur during the commission of a felony qualify as felony murder.
7. State the difference between voluntary and involuntary manslaughter.
8. List circumstances that could be sufficient to reduce a charge of murder to manslaughter.
9. Explain why the U.S. Supreme Court upheld the Oregon Death with Dignity Law.

#### Chapter 11: Assault, Battery, and Other Crimes Against the Person

1. Identify the different elements that must be proved for conviction of an assault or a battery.
2. Know what kind of nonconsensual touching constitutes an assault or a battery.
3. Describe circumstances that warrant a charge of aggravated assault or battery
4. List the various laws designed to protect children from assaults and other similar crimes.
5. List some of the defenses available to a charge of assault or battery.
6. Identify the “movement” requirement for a kidnapping conviction.
7. State how the crime of hostage taking differs from kidnapping.

#### Chapter 12: Sexual Assault, Rape, Prostitution, and Related Sexual Crimes

1. Identify the degrees of sexual assault, and the conduct that distinguishes them.
2. Learn the areas of questioning of a sexual assault victim that are prohibited by the rape shield law.
3. List two exceptions to the rape shield law’s prohibitions.
4. State the *mens rea* requirement for a conviction for statutory rape.
5. State the conditions that must be shown for civil commitment of a sexual predator.
6. Explain the reasons child pornography laws have been found unconstitutional.
7. State the current status of federal acts such as the Child Online Protection Act.

#### Chapter 13: Theft

1. List the property concepts that underlie property theft crimes.
2. State the “money” rule and why it is an exception to general property rules.
3. List four ways the taking element can be proved.
4. Define “property of another” as it applies to theft of jointly owned property.
5. Identify ways the taking requirement can be met in shoplifting.
6. Advise a hypothetical merchant on how best to proceed when a suspected shoplifter is identified.
7. Explain the ways credit card theft can be proved.
8. Distinguish between forgery and uttering a forged instrument.
9. Describe how a check-kiting scheme works.

#### Chapter 14: Robbery, Burglary and Related Crimes

1. Describe what facts separate robbery from common theft.
2. State when robbery becomes armed or aggravated robbery.

3. List the requirements for home invasion robbery.
4. State when purse snatching or pickpocketing can become robbery.
5. Distinguish robbery from extortion.
6. List the elements of the general burglary offense.
7. Describe ways current state criminal codes modified the common law burglary offense.
8. Distinguish criminal trespass from defiant trespass.

**WEEKLY READING ASSIGNMENTS AND EXAM DATES**

**WEEK ONE:**

Jan. 20 & 22

Chapter 1: Criminal Law: Purposes Scope and Resources

**WEEK TWO:**

Jan. 27 & 29

Chapter 2: Jurisdiction  
Exam 1, Chap. 1: Jan. 27<sup>th</sup>

**WEEK THREE**

Feb. 3 & 5

Chapter 3: Essential Elements of a Crime  
Exam 2, Chap. 2: Feb 3<sup>rd</sup>

**WEEK FOUR**

Feb. 10 & 12

Chapter 4: Criminal Liability  
Exam 3, Chap. 3: Feb. 10<sup>th</sup>

**WEEK FIVE:**

Feb. 17 & 19

Chapter 5: Criminal Responsibility and the Capacity to Commit a Crime  
Exam 4, Chap. 4: Feb. 17<sup>th</sup>

**WEEK SIX:**

Feb. 24 & 26

Chapter 6: Law Governing the Use of Force  
Exam 5, Chap. 5: Feb 24<sup>th</sup>

**WEEK SEVEN:**

Mar. 3 & 5

Chapter 7: Other Criminal Defenses  
Exam 6, Chap. 6: Mar. 3<sup>rd</sup>

**WEEK EIGHT:**

Mar. 10 & 12

Chapter 8: Criminal Punishment  
Exam 7, Chap. 7: Mar. 10<sup>th</sup>

**SPRING BREAK**

Mar. 16 – 20

**NO CLASSES**

**WEEK NINE:**

Mar. 24 & 26

Chapter 9: Free Speech and Public order Crimes and the Bill of Rights  
Exam 8, Chap. 8: Mar. 24<sup>th</sup>

**WEEK TEN:**

Mar. 31 & Apr. 2

Chapter 10: Homicide  
Exam 9, Chap. 9: Mar, 31<sup>st</sup>

**WEEK ELEVEN:**

Apr. 7 & 9

Chapter 11: Assault, Battery, and other Crimes Against Persons  
Exam 10, Chap. 10: April 7<sup>th</sup>

**WEEK TWELVE:**

Apr. 14 & 16

Chapter 12: Sexual Assault, Rape, Prostitution and Related Sex Crimes  
Exam 11, Chap. 11: April 14<sup>th</sup>

WEEK THIRTEEN:

Apr. 21 & 23

Chapter 13: Theft

Exam 12, Chap. 12: April 21<sup>st</sup>

WEEK FOURTEEN

Apr. 28 & 30

Chapter 14: Robbery, Burglary and Related Crimes

Exam 13, Chap 13: April 28<sup>th</sup>

WEEK FIFTEEN:

May 5

Exam 14: Chap. 14: May 5<sup>th</sup>

WEEK SIXTEEN:

May 11 - 14

**Final Exams Week (None Scheduled).**