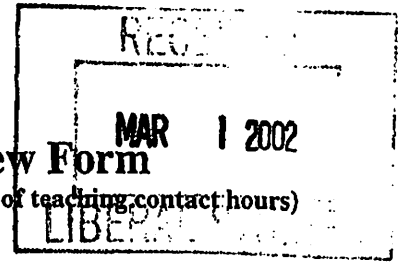


UWUCC 3/12/02
Senate 4/2/02

01-65



Undergraduate Distance Education Review Form

(Required for all courses taught by distance education for more than one-third of teaching contact hours)

Existing and Special Topics Course

Course: CRIM-210 CRIMINAL LAW

Instructor of Record: JOHN C. THOMAS, JR phone: 725607 e-mail: jcthomas@iup.edu

Step One: Department or its Curriculum Committee

The committee has reviewed the proposal to offer the above course using distance education technology, and responds to the CBA criteria as follows:

1. Will an instructor who is qualified in the distance education delivery method as well as the discipline teach the course? Yes No
2. Will the technology serve as a suitable substitute for the traditional classroom? Yes No
3. Are there suitable opportunities for interaction between the instructor and student? Yes No
4. a. Will there be suitable methods used to evaluate student achievement? Yes No
 b. Have reasonable efforts been made to insure the integrity of evaluation methods (academic honesty)? Yes No

5. Recommendation:

Positive (The objectives of the course can be met via distance education.)

Negative

Jennie A. Martin
signature of department designee

1-28-2002
date

If positive recommendation, immediately forward copies of this form and attached materials to the Provost and the Liberal Studies Office for consideration by the University-Wide Undergraduate Curriculum Committee. Dual-level courses also require review by Graduate Committee for graduate-level offering. Send information copies to 1) the college curriculum committee, 2) dean of the college, and 3) Dean of the School of Continuing Education.

Step Two: UNIVERSITY-WIDE UNDERGRADUATE CURRICULUM COMMITTEE

Positive recommendation

Negative recommendation

Gail S. Schriest Mar 13, 2002
signature of committee chair date

Forward this form to the Provost within 24 calendar days after review by committee.

Step Three: Provost

Approved as distance education course

Rejected as distance education course

Mark Stupka
signature of Provost

3/15/02
date

Step Four:

Forward materials to Dean of the School of Continuing Education

Step One Questions:

1. The instructor has taught this course for more than twenty years. He has developed the course materials over the years with annual updates and information. He has offered this course and its contents with students in his regular classes by having them participate with the web. In addition, the students have taken their exams using the web.
2. The technology used today is a very useable and viable for this course. WebCt provides a very acceptable means of managing the course and working with the students. Threaded discussions and article responses, as well as, chat rooms create a setting very similar to the actual classroom. In some instances the student who is shy or quiet becomes more involved when on the Internet. The experiences with partial Internet usage in this course have been very positive.
3. The design of the course is such that the student and the instructor will meet daily on the Internet. On line exchanges will be very accessible between the instructor and the student. Office hours during specified days will provide the student with a positive feeling as if the student were in the classroom. Past experience in using the WebCt format the past four years have provided excellent opportunities to demonstrate the success of this type of interaction in a course.
4. Student grades will be based on exams, discussions, and web based exercises.
5. The integrity of the course is assured through various methods. Exams, which have been used in the past, are timed. The timing factor eliminates most dishonest means in which to take an exam. A policy of academic honesty is asked of the students. The questions and the random questions selected come from a large pool of questions, which provides each student with a different test. During the exam, the management system for the test provides a means, which the instructor can view, each student exam during the exam.

Table of Contents for Course

OUTLINE OF COURSE

Chapter I

- I. Introduction**
- II. What is Criminal Law**
 - A. Types of crimes**
 - B. Types of law**
- III. The Purpose of Law**
 - A. Moral Enterprise**
 - B. The rule of Criminal law**
 - C. The rule of Law**
- IV. Historical Sources of Law**
 - A. Natural Law**
 - B. Early codes**
 - C. Common Law**
 - D. The US Constitution**
- V. The Federal System**
- VI. The Model Penal Code**
- VII. Summary**
- VIII. Questions for discussion**
- IX. Legal resources on the World Wide Webb**

Chapter 2 Criminal Liability and Essence of Crime

- I. Introduction**
- II. The Adversarial System**
- III. The basic elements of crime**
- IV. Summary**
- V. Questions for discussion.**
- VI. Capstone Cases**

Chapter 3 Expanding the concepts of crime

- I. Introduction**
- II. Corpus Delicti**
- III. Additional Elements of crime**
- IV. Summary**
- V. Discussion questions**
- VI. Suggested readings and classic works**
- VII. Capstone cases**

Chapter 4 Extending Criminal Liability: Inchoate Offenses

- I. Introduction**
- II. Criminal Attempt**
- III. Criminal Conspiracy**

- IV. Criminal Solicitation
- V. Parties to a crime
- VI. Discussion questions
- VII. Capstone cases

Chapter 5 Justifications as a defense

- I. Introduction
- II. Types of Defenses
- III. The Nature of Defenses
- IV. Justification as a defense
- V. Summary
- VI. Discussion questions
- VII. Case Assignment

Chapter 6 Excuses as Defenses

- I. Introduction
- II. The Nature of Excuses
- III. Categories of Excuses
- IV. Summary
- V. Discussion Questions
- VI. Cases

Chapter 7 The Defense of Insanity

- I. Introduction
- II. Competency to Stand Trial
- III. Purpose of the Insanity Defense
- IV. What is Insanity
- V. History of Insanity Rules
- VI. Diminished Capacity
- VII. How Widely Used is the Insanity Defense
- VIII. Consequences of the Defense
- IX. Abolishing the Insanity Defense
- X. Discussion Questions
- XI. Capstone Cases

Chapter 8 Personal Crimes

- I. Introduction
- II. Criminal Homicide
- III. Murder
- IV. Manslaughter
- V. Suicide
- VI. Negligent Homicide
- VII. Summary
- VIII. Questions
- IX. Capstone Cases

- Chapter 9 Other Personal Crimes**
 - I. Introduction**
 - II. Assault**
 - III. Battery**
 - IV. Mayhem**
 - V. Sex Offenses**
 - VI. Kidnapping and False Imprisonment**
 - VII. Summary**
 - VIII. Questions**
 - IX. Capstone Cases**

- Chapter 10 Property and Computer Crimes**
 - I. Introduction**
 - II. Theft Crimes**
 - III. Consolidation of Theft Crimes**
 - IV. Burglary**
 - V. Arson**
 - VI. Computer and High Tech Crimes**
 - VII. Summary**
 - VIII. Discussion Questions**
 - IX. Capstone Cases**

- Chapter 11 Offenses Against Public Order**
 - I. Introduction**
 - II. Crimes against Public Order**
 - III. Crimes Against Administration of Order**
 - IV. Misconduct in Office**
 - V. Summary**
 - VI. Discussion Questions**
 - VII. Capstone Cases**

- Chapter 12 Victims and the Law**
 - I. Introduction**
 - II. Who is a Victim**
 - III. Victims Rights Legislation**
 - IV. Victim Statistics**
 - V. The Cost of Crime**
 - VI. Restitution**
 - VII. Summary**
 - VIII. Questions for Discussion**
 - IX. Cases**

- Chapter 13 Sentencing and Punishment**
 - I. Introduction**
 - II. Sentencing Rationale**
 - III. Imposing Criminal Sanctions**

- IV. Plea Bargaining
- V. Traditional Sentencing Options
- VI. Hate Crimes
- VII. Capital punishment
- VIII. Intermediate Sentencing
- IX. Summary
- X. Questions for Discussion
- XI. Capstone Cases

Syllabus

CRIM 210 – Criminal Law
Instructor: Dr John C. Thomas, Jr

Course Description:

CRIM210 **Criminal Law** 3c-0l-3sh

A study of history and sources of criminal law coupled with an analysis of the substantive elements of specific crimes.

Course Objectives: The student will learn the legal terms applied and used in the judicial system. Through the various crimes, the student will have the opportunity to put the crime definitions under a microscopic examination to understand how the system reaches conclusions and decisions in law.

Prerequisites: There are no prerequisites for the course.

Textbooks, Supplementary Materials, Hardware and Software

Required Textbook: Frank Schmalleger, *Criminal Law Today: An Introduction With Capstone Cases*, 2nd Edition, (Upper Saddle River, New Jersey: Prentice Hall, 1999)

Supplementary Materials: These materials will also be provided within the on-line course.

Hardware Requirements: Pentium II or higher with modem (28.8Kbs)

Software Requirements: A word processor is recommended

Instructor Information

Instructor Name: John C. Thomas, Jr.

Contact: jcthomas@iup.edu

Office phone: 724 357 5607

Office Hours: Virtual office hours will be maintained once the course is in Session.

Instructor Response: Instructor will respond within 24 hours of any questions.

Assessment and Grading

Testing Procedures: There will be four exams of the objective type. All exams will be taken on-line during class times. Each exam will be worth 100 points. Each student will be allowed to take a practice exam before the actual exam.

Grading: Grades will be based on straight percentage, based on total points accumulated through exams and threaded discussions.

Grading Scale: Total possible points = 500.

90% or higher = A
80% - 89% = B
70% - 79% = C
60% - 69% = D
59% or lower = F

Assignments and Participation

During the summer session, there will be four articles to read and respond to questions, which have been posted about the article. The responses will be sent to the instructor. The student will be given specific time frames to respond. Grades will be based on the content of the responses. The student can receive up to 25 points for each response.

Web Resources

Included at the end of each chapter will be listed a group of web sites the student may use to assist them. The student may query the instructor for more information.

Any unforeseen changes in the syllabus will be sent to the student by e-mail.

**Sample Chapter with Course Notes
And
Sample Questions**

Chapter I - An Introduction to Law

I. Criminal Law

A. Concept- The study of the types of laws and statutes developed over the years to control the behavior of society with specific rules and regulations

B. Criminal law v Tort Law

1. **Criminal law** is a public wrong. the crime is against all members of society, not just the victim.
2. **Tort Law** is a private individual wrong. The moving party is called a plaintiff.
3. The distinction between the Criminal and Tort law can sometimes be very complex.
 - a. Sometimes it is better to sue for damages in a Tort action than getting a guilty verdict in a criminal case. This is especially true in Corporate type crimes. Look at the Ford Pinto case and the recent Firestone Tire cases.
4. Tort law usually focuses on the failure to act whenever there is a civil duty to be responsible (negligence). However, this law may also involve intentional acts like false imprisonment, slander and libel.
 - a. There are various types of damages available for a plaintiff. An injured person may recover compensatory or actual damages and they may also be entitled to punitive damages that would be in excess of any other damages.

C. Substantive criminal law v. procedural law

1. **Substantive Law** deals with the Common Law rules and Statutes defining crimes.
2. **Procedural Law** addresses the actions and methods of those attempting to enforce the laws.

II. What is Law?

A. Historically

1. Society has addressed the behavior patterns of human beings.
 - a. Before formal rules existed, informal sanctions (norms) were used
 - i. example - learning how to respect ones' parents can result in punishments administered by an individuals' parents, other family members, or friends.
 - ii . norms - constitute acceptable behavior in a given society
 - iii. mores - involve serious and unacceptable conduct within a social code
 - b. Natural Law-the laws of human nature from individual fair reason and rational thoughts. Natural law examines whether people treat each other fairly or just or unjust. The Nuremberg trials applied the philosophy of Aristotle's' Right Reason and natural law.
2. As societies became more complex, informal sanctions were no longer sufficient
 - a. Rules needed to be formalized
 - b. A division into civil and criminal laws
 - c. Criminal Law- Society views this law as a very serious violation of rules.
 - d. Civil Law-is designed to protect the normal interests of a society.
3. First known written law document is the Code of Hammurabi, around 1900 B.C.
 - a. Laws related to property, personal relationships, theft and violence.
 - b. The code described punishment including death.
4. 18th and 19th centuries in Europe were the foundations of some of the present criminal laws
 - a. Early laws were very abstract and led to a wide range of decisions
 - b. Many crimes during this period carried the death penalty (200 crimes)

- c. Roman Law is law which is based on tribal influences. This law is a contributing factor to our present legal system. It was codified under the Emperor Justinian I and is known as the Justinian Code. The code divided the law into two categories, private and public laws.
 - d. Common Law is the foundation of many laws in the United States. Common Law is defined as law based on prior rules and customs decided by the previous court decisions. This law exists as a common thread throughout the American legal system. There still exists case precedent as a foundation for legal appeal. *Stare decisis* means the courts will look to the previous decisions to be bound by those rulings.
5. Philosopher, Jeremy Bentham, was a severe critic of the early criminal law in the United States.
- a. Bentham believed in utilitarianism that ones conduct aims for the greatest good for the most people.
 - b. He did not like the United States system of law and suggested it was uncertain.
6. Cesare Beccaria was a believer in the free will and that pleasure and punishment control a persons behavior
- a. Advocated that law be clear
 - b. The law should be equal to all of the people
 - c. Viewed judges as instruments of the law

7. Classical Approach

- a. Bentham and Beccaria

B. Criminal Law v Morals

- 1. **Mala in se** - evil in itself and unacceptable conduct by society e.g. murder, rape, etc.
- 2. **Mala prohibita**- crimes defined by statutes
 - a. gambling, prostitution, and other acts which are not universally considered criminal

III. Sources of Criminal Law

A. Constitution

1. Procedural criminal law is contained in some constitutions
 - a. US Constitution- 4th amendment for search and seizure
 - b. State constitutions adopt similar federal principles

B. Common Law

1. Law derived from custom and prior judicial decisions
2. Old English case law is studied on a case by case basis to interpret the law

C. Statutory Law

1. Most states adopt their own laws to define crime
2. The Common Law is used to define the criminal law where the statutory law fails to cover the specific area
3. Two types of criminal law:
 - a. **Substantive law**- the elements of a crime and definitions of crimes
 - b. **Procedural law**- the methods used to enforce the law

D. Model Penal Code

1. **The Model Penal Code (MPC)**
 - a. A code which is very broad so that any governing body could adopt it as uniform way to apply the criminal law
 - b. Most states have adopted some form of the MPC to redefine their criminal laws

IV. Reason for Law

1. Without law there would be chaos. Vigilante justice is unacceptable in our society and the days of the wild west are long gone.
2. **Roscoe Pound** believed in a social structure which could shape our society. Pound is known for his famous jurial postulates. The rationale of Pounds' theory is that all law is based on shared needs. Pound also recognized that the shared needs aspect could not be equally met. He then offered the concept of jurisprudence (to meet and satisfy the basics of most of society) .

QUESTIONS FOR DISCUSSION

1. What is the purpose of the law? What is the purpose of criminal law? What would a society without laws be like?
2. What is the difference between criminal law and other forms of the law? How do laws of criminal procedure differ from substantive criminal laws?
3. What is *stare decisis*? From where does the principle of *stare decisis* derive?
4. What is “judge-made law?” How does judge-made law differ from other types of law?
5. How can the law be used as a tool for social engineering? If you were in a position to enact laws, what kind of changes would you make? Why?
6. What is meant by the “rule of law?” Why is due process an integral part of the rule of law?

LEGAL RESOURCES ON THE WORLD WIDE WEB

<http://www.law.cornell.edu>

Excellent online legal research

<http://www.legal.gsa.gov>

Outstanding resource

<http://www.findlaw.com>

Extensive collection of law and links

<http://vls.law.vill.edu/compass>

Federal and State research law tools

<http://www.ilrg.com>

Links to journals, cases, and more


<http://www.lawguru.com>

Gives over five hundred search engines

<http://www.lawresearch.com>



Style manuals to research links

<http://www.laws.com>



CR 210 CRIMINAL LAW

John C. Thomas, Jr. Professor
The study of substantive law!





Course Requirements

1. Computer Skills
2. Research
3. Writing
4. Case Briefing


Vision Statement

- During assigned chapters, there will be chat room discussions as specified in the syllabus. The material discussed during chat room discussions is available in some of the reading assignments. The assigned text will assist you in these areas.



Goal and Objective

- To learn the definitions of crimes
- To understand the rationale of the courts in applying the definitions of crimes.
- To be able to analyze the law.
- To learn legal research.




Today's Situation

- Introduction to course
- Daily reports
- Unannounced quizzes
- Research Assignments
- Exams

How Did We Get Here?

- Any relevant information about yourself
- What other courses have you taken?
- Do you know the case method of study?



Writing assignments

- Research must be ready on due dates
- Hypothetical cases will be given
- Creative and clear answers are expected to be given for the hypothetical cases.



Topics to be discussed

- Arrest
- Violent Crimes
- Sex Offenses
- Property Offenses

Chapter 1

The Nature and History of Criminal Law

- Types of Crime
 - Treason
 - Felonies
 - Misdemeanors
 - Property Crimes
 - Personal Crimes
 - Public Order Offenses
 - Morals of Offenses

Types of Law

- Substantive Law
- Procedural Law
- Case Law
- Statutory Law
- Case Law

The Purpose of Law

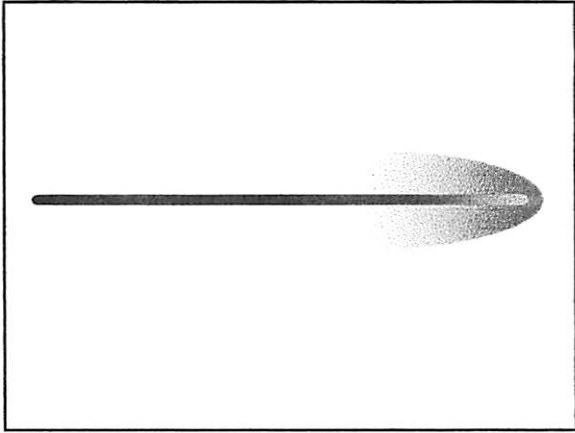
- Jural Postulates
- Jurisprudence
- Moral Enterprise
- Moral Entrepreneurs

The Role of Criminal Law

- Society and law
 - To protect society from harm.
 - To make society safe.
 - Preserve social order
 - Punish those who commit crimes.
 - Rehabilitate Offenders

Historical Sources of Today's Law

- * Natural Law
- * Early Codes
- * Common Law
- * U. S. Constitution
- * Changes in Society



The Federal System

- * Federalism
 - A central government coexists with various state and local governments.
- The Model Penal Code