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| **TEXAS CTE LESSON PLAN**[www.txcte.org](http://www.txcte.org) |
| **Lesson Identification and TEKS Addressed** |
| **Career Cluster** | Law, Public Safety, Corrections, & Security |
| **Course Name** | Law Enforcement I |
| **Lesson/Unit Title** | Elements of Crime and Categories of Punishment |
| **TEKS Student Expectations** | **130.336. (c) Knowledge and Skills**(8) The student analyzes procedural and substantive criminal law. (A) The student is expected to define crime categories and respective punishments according to the Texas Penal Code(B) The student is expected to analyze the elements of criminal acts according to Texas laws, including Alcoholic Beverage Code, Family Code, Penal Code, Health and Safety Code, and Criminal Code of Procedure |
| **Basic Direct Teach Lesson**(Includes Special Education Modifications/Accommodations and one English Language Proficiency Standards (ELPS) Strategy) |
| **Instructional Objectives** | The students will be able to:* Describe the elements of a crime and the categories of punishment.
* Explain how crime has an impact on a convicted person’s life.
* Research the defenses that are used in court to acquit a defendant of a charge.
* Critique other students’ research on defenses.
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| **Rationale** | A police officer must be able to determine if any call he responds to has the elements of a crime. He must also know if the crime he is working is a misdemeanor as they might affect the way he responds to and handles the situation. |
| **Duration of Lesson** | 3 to 5 Hours |
| **Word Wall/Key Vocabulary***(ELPS c1a, c, f; c2b; c3a, b, d; c4c; c5b) PDAS II (5)* |  |
| **Materials/Specialized Equipment Needed** | * Access to computer lab or research center
* Computer-based presentation software
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| **Anticipatory Set**(May include pre-assessment for prior knowledge) | Have students answer the question, “If you were developing the criminal justice system, how would you determine what makes up a crime and its seriousness?” This can be done out loud as a class or each student can answer this on paper. Use the Discussion or Writing Rubrics for assessment. |
| **Direct Instruction \*** | 1. Origins of the Law
2. Common law
3. Legislatures
4. Courts
5. Age of Culpability
6. Juvenile: 10–16 years of age
7. Adult: 17 years of age and up
8. Crime Conviction Requirements
9. Proof beyond a reasonable doubt
10. All elements of an offense must be proven

IV. Elements of an Offense* 1. Forbidden conduct – this is determined by the government
	2. Culpable Mental State (CMS)
	3. Any result
	4. Negation of any exception

V. Culpable Mental States* 1. The attitude someone has when committing a crime, their intentions
	2. There are four types of culpable mental states:
		1. Intentional – conscious objective
		2. Knowing – aware with reasonable certainty
		3. Reckless – aware but conscious disregard of substantial and unjustifiable risk. Gross deviation from what a normal person would do.
		4. Criminal Negligence – should have been aware of the risk but were not
1. Instances When Crimes Go Without Punishment
2. Exceptions – when a law does not apply to a person, the prosecutor must prove that the accused does not have a reason to do what they are doing (example – the penal code says an off-duty police officer can carry a sidearm without a permit).
3. Defense – the person has an excuse to commit the crime
	1. The prosecutor does not have to negate the existence of the defense
	2. The defendant must prove this exists
	3. If it exists, the court shall charge that this is a reasonable doubt and the person must be acquitted
4. Affirmative Defense – similar to a defense
	1. The prosecutor does not have to negate the existence of the defense; that is up to the defendant
	2. It must be proven by a preponderance of the evidence
	3. Example – sexual assault or statutory rape and the three-year exception, if the victim is at least 14 years old and it is consensual

VII. General Defenses Used in Trial1. Insanity
	1. Affirmative defense
	2. At the time of the conduct
	3. Mental disease
	4. Did not know the conduct was wrong
2. Mistake of Fact
	1. Is a defense
	2. The perception of the facts by the actor is mistaken
	3. Must be reasonable
3. Mistake of Law – ignorance of a law is not an excuse for breaking that law
4. Intoxication – voluntary intoxication is not a defense
5. Duress
	1. Affirmative defense
	2. Not guilty if forced to commit the crime because of the threat of death or serious bodily injury to himself or another
	3. Does not apply if the person intentionally, knowingly, or recklessly put himself in that position
6. Entrapment
	1. Opportunity vs. persuasion
	2. If the law enforcement officer induced the person to commit the crime then this defense applies
	3. Examples – bait cars and undercover agents

VIII. Punishments1. Class C Misdemeanor
	1. Fine not to exceed $500
	2. Example – speeding ticket
2. Class B Misdemeanor
	1. Fine not to exceed $2000
	2. Up to 180 days in jail
	3. Or both
	4. Example – DWI
3. Class A Misdemeanor
	1. Fine not to exceed $4,000
	2. Up to one year in jail
	3. Or both
	4. Example – burglary of a vehicle, assault
4. State Jail Felony
	1. Fine up to $10,000
	2. 180 days to two years in jail
	3. Or both
	4. Example – unauthorized use of a motor vehicle (stealing a car)
5. Third Degree Felony
	1. Fine up to $10,000
	2. 2 to 10 years in prison
	3. Or both
	4. Example – forging money
6. Second Degree Felony
	1. Fine up to $10,000
	2. 2 to 20 years in prison
	3. Or both
	4. Example – aggravated assault, robbery, burglary of a habitation, sexual assault
7. First Degree Felony
	1. Fine up to $10,000
	2. 5 to 99 years in prison
	3. Or both
	4. Example – murder, aggravated robbery, aggravated sexual assault
8. Capital Felony
	1. Life in prison or the death penalty
	2. Example – capital murder

IX. Other Important Aspects1. Criminal Attempt
	1. When a person intentionally tries to commit a crime, an act beyond mere preparation, which tends to affect the commission of a crime
	2. The punishment is one level below the crime the person is trying to commit
	3. Example – attempted murder
2. Criminal Conspiracy
	1. An agreement between two or more persons to commit a felony, and any member of the group commits an overt act
	2. Overt act – any act that works towards the commission of the offense (the act is not necessarily a crime in and of itself)
	3. The punishment is one level below the most serious crime planned

*Individualized Education Plan (IEP) for all special education students must be followed. Examples of accommodations may include, but are not limited to:**NONE* |
| **Guided Practice \*** | *Individualized Education Plan (IEP) for all special education students must be followed. Examples of accommodations may include, but are not limited to:**NONE* |
| **Independent Practice/Laboratory Experience/Differentiated Activities \*** | Have students complete the Elements of Crime and Categories of Punishment Quiz (open-note). It may be used as the exam review.Have students explore the impact of having a misdemeanor or felony on their record. Have students research the following regarding persons with criminal records:* Hiring policies of one or more companies where they would enjoy having a career
* Hiring policies of one or more police departments
* Applicant policies for a car loan or apartment complex

Have students write down the results of their research. Use the Writing Rubric for assessment.Have students select and research a mental disorder or a defense. Students may work in pairs. The results will include definitions and explanations of the topics along with some specific examples illustrating how the topic is used in court. Have the students create and present a computer-based presentation with the results of their research. The class may ask the presenters questions to test the depth of their knowledge. Have the class use the Presentation Rubric to assess each individual or each pair.*Individualized Education Plan (IEP) for all special education students must be followed. Examples of accommodations may include, but are not limited to:**NONE* |
| **Lesson Closure** |  |
| **Summative/End of Lesson Assessment \***  | * Elements of Crime and Categories of Punishment Exam and Key
* Elements of Crime and Categories of Punishment Quiz and Key
* Discussion Rubric
* Individual Work Rubric
* Research Rubric
* Writing Rubric

*Individualized Education Plan (IEP) for all special education students must be followed. Examples of accommodations may include, but are not limited to:**NONE* |
| **References/Resources/****Teacher Preparation** | Texas Penal Code <http://www.statutes.legis.state.tx.us/Docs/SDocs/PENALCODE.pdf>  |
| **Additional Required Components** |
| **English Language Proficiency Standards (ELPS) Strategies** |  |
| **College and Career Readiness Connection[[1]](#footnote-1)** |  |
| **Recommended Strategies** |
| **Reading Strategies** |  |
| **Quotes** |  |
| **Multimedia/Visual Strategy****Presentation Slides + One Additional Technology Connection** |  |
| **Graphic Organizers/Handout** |  |
| **Writing Strategies****Journal Entries + 1 Additional Writing Strategy** |  |
| **Communication****90 Second Speech Topics** |  |
| **Other Essential Lesson Components** |
| **Enrichment Activity**(e.g., homework assignment) | For reinforcement, students will either look at the school rules or think of a behavior they would like to have banned. Using the template of the elements of a crime, they will write their own law that could be used to prosecute a student in court. They will need to include every element from the culpable mental state to exceptions. Use the Individual Work Rubric for assessment.For enrichment, students will research the death penalty debate. They will list the arguments for those for and against the death penalty then give their own opinion. Use the Research Rubric for assessment. |
| **Family/Community Connection** |  |
| **CTSO connection(s)** |  |
| **Service Learning Projects** | SkillsUSA |
| **Lesson Notes** |  |

1. Visit the Texas College and Career Readiness Standards at <http://www.thecb.state.tx.us/collegereadiness/CRS.pdf>, Texas Higher Education Coordinating Board (THECB), 2009. [↑](#footnote-ref-1)