

CHAPTER 3



CRIME

OBJECTIVES: Differentiate between federal and state laws and develop understanding between crimes against people, and crimes against property.

NBEA STANDARD I: Analyze the different classifications of procedural law, and different classifications of substantive law.

CRIME _____

punishable by: _____, _____, or _____.

PLAINTIFF _____

DEFENDANT _____

TREASON: _____

DOUBLE JEOPARDY _____ can be _____ for the _____ crime in the same _____. You are protected under the ____ amendment.

TWO CLASSIFICATIONS OF CRIMES:

_____ and _____.

Can shoplifting be considered a felony? _____

FELONY _____

Examples: _____

Punishable by _____ plus more than _____ or _____.

CRIMES AGAINST PEOPLE:

AGGRAVATED MURDER _____

Aggravated murder (_____ degree murder) involves three conditions:

1. _____
2. _____
3. _____

MURDER _____

1) _____ killing but not _____ or _____ nor committed in _____.

2) Killing caused by _____ and offender's lack of concern for _____.

If any conditions for aggravated murder not present, ____ degree murder.

Murder: does not carry the _____ penalty.

Sentence: _____ years to life; _____ fine. Example: _____.

MISDEMEANORS Less serious crime with less _____ penalty. Penalty up to _____ months in _____ / _____ jail and _____ fine.

Examples: _____

Which is more serious: 4th degree misdemeanor or 1st degree misdemeanor? _____

When can fighting in school move from a misdemeanor to a felony? _____
If use gun, add _____ years; If have gun on you but don't use, add _____ year.

RETRIBUTION _____ . Someone hurts you, you hurt back.

DETERRENCE _____ .

Two types of deterrence:

1. _____ - how it affects other people
2. _____ - how it affects the individual person

REFORM _____ .

CULPABILITY _____ .

Under common law, what two things must be proved to determine culpability of defendant:

- ACTUS REAS 1. meaning _____
- MENS REA 2. meaning _____

Guilty Mind broken down into two areas: 1. _____
2. _____

FOUR THINGS EVERY CRIME MUST HAVE:

- PURPOSE 1. _____ .
- KNOWLEDGE 2. _____ .
- RECKLESSNESS 3. _____ .
- NEGLIGENCE 4. _____ .

BURDEN OF PROOF _____ .

BATTERY Unlawful _____ .

ASSAULT _____ .

ASSAULT Make the threat and do it. 1)Tries to or does _____
another.

& BATTERY 2) Acts in _____ manner to put another in fear of

AGGRAVATED
ASSAULT/BATTERY 1)Tries to do or does cause _____ .
2)Causes injury through use of _____ .

HOMICIDE _____ .
When is it justifiable? _____
When is it excusable? _____
When is it criminal? _____ and _____

MALICE _____ , _____ , _____ , _____ .
The difference between _____
and _____ .

VOLUNTARY MANSLAUGHTER No intention of hurting someone but someone dies. Usually _____, in _____, or during commission of _____.

INVOLUNTARY MANSLAUGHTER Kills unintentionally while committing _____ or _____ act.

HATE CRIMES violence of _____ and _____ to hurt/intimidate someone due to _____, _____, _____, _____, _____, or _____.

FELONY MURDER RULE If you commit one of these crimes: 1) _____ 2) _____ 3) _____ 4) _____ 5) _____ AND IN THE PROCESS, the _____, you will be charged with the _____ and _____ --FELONY MURDER RULE.

BARRK B = _____
 A = _____
 R = _____
 R = _____
 K = _____

FELONY MURDER RULE

CRIMES AGAINST PROPERTY

LARCENY _____
 Legal term for: _____

PETTY LARCENY _____

GRAND LARCENY _____

OBTAINING GOODS (theft) BY FALSE PRETENSES _____

LARCENY BY TRICK (theft) _____

EMBEZZLEMENT (theft) _____

CRIMES AGAINST PROPERTY (cont)

BURGLARY Unlawful entry into a dwelling with the intent to commit a felony.

ROBBERY Taking of personal property (usually money) by force, whether armed or through intimidation.

BLACKMAIL EXTORTION gaining of property or money by almost any kind of force, or threat of 1) violence, 2) property damage, 3) harm to reputation, or 4) unfavorable government action.

ARSON Willful and malicious burning of the dwelling house of another

TRESPASS Entering property that is not yours

VANDALISM Willful or malicious destruction of property

PETTY THEFT

When does petty theft become a felony? _____.

What must you prove to press charge of petty theft? _____.

Theft first time _____.

If \$5,000 or more but less than \$100,000 , drugs, vehicle, _____.

If \$100,000 or more, drugs, priors, _____.

JUSTIFICATIONS USED IN CRIMINAL DEFENSE

SELF DEFENSE Rule: _____.

DEADLY FORCE Rule: _____.

DUTY TO RETREAT _____.

AGGRESSOR has rights. What are they? _____

_____.

DEFENSE OF OTHERS _____.

Majority view? _____.

Minority view? _____.

DEFENSE OF YOUR HOME What is the rule? _____
_____.

NECESSITY _____.

Two forms of necessity:

PUBLIC Necessity _____.

PRIVATE Necessity _____.

DURESS _____.

When can't you use duress as a defense? _____.

CONSENT _____.

ENTRAPMENT _____.

Defense must show crime _____.

INSANITY _____
_____.

EXCUSES

- 1) Insanity as defined above.
- 2) Intoxication
 - Get drunk, commit crime--- voluntary or involuntary?
 - Confirmed alcoholic – voluntary or involuntary?

INFANCY 3) Under the age of _____ of committing a crime.
Under Common law – No crime is under age of _____.

Ages 7 – 14 _____.

Ages 14 & over— _____.

INCHOATE CRIMES _____ EX: _____

SOLICITATION _____

CONSPIRACY _____

AIDING AND _____

ABETTING _____ IN OHIO—Aiding & Abetting – theft _____ if theft under _____

CRIMES INVOLVING DRUGS/ALCOHOL

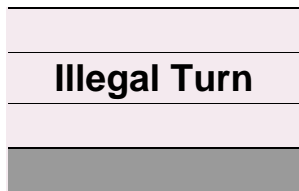
Penalty for merchant selling alcohol to underage individual:
Merchant can lose _____, be _____, _____ or both.

Underage individual: _____
Which is more serious? Possession/use of drugs or Sale of drugs? _____

Motor vehicle violations. Driving is a _____, not a _____.
Examples of violations: _____
Possible penalties: _____

COMPUTER Law: Computer _____ and _____ Act
CRIME Intended to reduce _____ of computer systems.
Penalties: 1st offense: _____ years; 2nd offense: _____ years.

EXPUNGEMENT Legal process through which an _____ and _____
may be _____ from a person's _____
1) You must be a _____, if felony: _____ years
after offender's final discharge; if misdemeanor: _____ year after
offender's final discharge.
2) There must be no criminal proceeding _____ against you.
3) Your _____ must have been completed to the court's satisfaction.
4) The expungement of the record of your conviction must be _____
with the _____ interest.



A man in a hurry taking his 8-year-old son to school, made a turn at a red light where it was prohibited. "Uh-oh, I just made an illegal turn!" the man said.

"Aw, Dad, it's okay" the son said. "The police car right behind us did the same thing."

There is no den in the wide world to hide a rogue. Commit a crime and the earth is made of glass. Commit a crime, and it seems as if a coat of snow fell on the ground, such as reveals in the woods the track of every partridge, and fox, and squirrel.

Ralph Waldo Emerson

US essayist & poet (1803 - 1882)