

CHAPTER

4



Criminal Law

Law

A law is

What Do Laws Do?

Laws help to: ...

How do they do this? Give Example

Where are our laws?

Laws are found in statutory provisions and constitutional enactments, as well as hundreds of years of rulings by courts at all levels.

is the written or codified law: the “law on the books,” as enacted by a government body or agency having the power to make laws.

- The written form of criminal law is called the**
-

Interpreting Statutory Law

Courts interpret the statutory laws.

Case law—_____

- **Judicial precedent**
- **Built on legal reasoning and past interpretations of statutory law**
- **Guides decision making, especially in the courts.**

Common law

Types of Law

Written Criminal Law

Substantive law—describes which acts constitute crimes and specifies punishments for those acts.



Civil Law

Civil law governs relationships between parties and provides a formal way to regulate non-criminal relationships between people, businesses, other organizations, and agencies of government.

A violation of this law is often called a

-
- Civil law is concerned more with liability and \$\$



Administrative Law

Administrative law

CRIMINAL JUSTICE TODAY, 10E
by Dr. Frank Schmallegger



Case Law

Case law



Procedural Law

Procedural law is a type of statutory law that regulates

Procedures to be followed during and after an arrest



Crime and Law

General Categories of Crimes

There are many different types of crimes, which vary in severity. Five categories of violations are:

Felonies

Felonies

Convicted felons may lose certain privileges

- **States vary with regard to which crimes are considered felonies**



Misdemeanor

Misdemeanors

—

Most misdemeanants



Offenses

Offenses are violations of the criminal law.

■ Another word for such minor law violations is _____

■ People committing infractions are usually given _____



Treason and Espionage

Treason and espionage are serious felonies.

Treason—

Espionage—



Inchoate Offenses

Inchoate offenses:

- **Consists of an action or conduct that is a step toward the intended commission of another offense.**
- **Examples: conspiracies and attempts.**

Wife 'hired hit man to kill her husband and demanded proof before final payment'

By DAILY MAIL REPORTER

PUBLISHED: 10:39 EST, 14 November 2012 | UPDATED: 10:39 EST, 14 November 2012

Comments (0) | Share  +1  Tweet 2  Like 10

A woman has been arrested on charges she tried to hire a hit man to murder her husband.

Mirtha Marchena-Chavez, 36, from Passaic, New Jersey, provided specific instructions to the hit man on how and where the murder could take place, according to police.

She is also said to have demanded proof he was dead before she made the full payment to the killer.



General Features of Crime

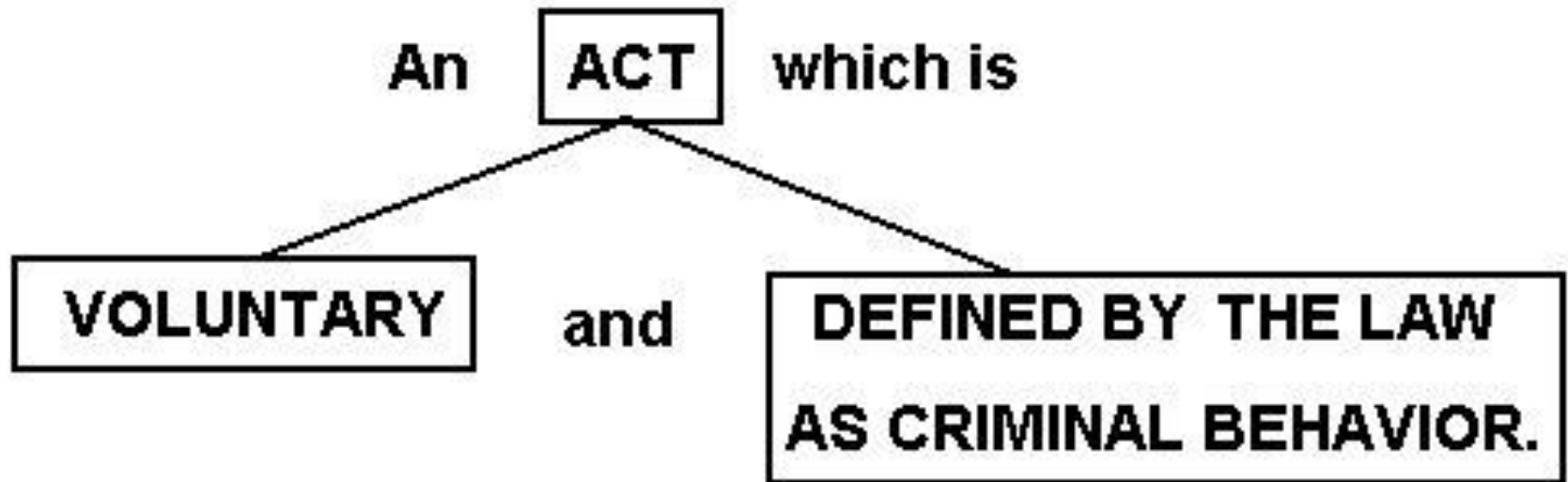
**The essence of crime consists of
THREE elements:**

The Criminal Act

Actus reus—

- There has to be an *act*. Thoughts alone are not sufficient to constitute a crime.
- To be something (like a drug addict) is not enough.
- *Actus reus* can include:
 - Threats
 - Omission to act
 - Attempted criminal acts
 - Conspiracies

**COMPONENTS WHICH MUST BE PRESENT
FOR *ACTUS REUS* TO EXIST:**



A Guilty Mind (Mens Rea)

Mens rea refers to a person's mental state at the time the act was committed.

There are four levels of mens rea:

Mens rea is not the same as **motive**.

Levels of Mens Rea

Purpose--the intent to engage in criminal activity, or to cause a criminal result

Knowledge--the knowing intention to do harm, that is the conscious intent to act in causing harm

Recklessness--the knowing act of taking substantial and unjustifiable risk

Negligence--the unwitting creation of substantial and unjustifiable risk when reason should recognize that risk



Elements of a Specific Crime

Elements of a specific crime are the essential features of a given crime, as specified by law or statute.

For example, the elements of first-degree murder might be: 1) an unlawful killing, 2) of a human being, 3) intentionally, 4) by another person, and 5) with malice.

To convict someone of a particular crime, each element must be proven **beyond a reasonable doubt.**

The *Corpus Delicti* of a Crime

Corpus delicti literally means the “body of crime.”

A person cannot be tried for a crime unless it can first be proven that:





II. Defense

Who is NOT
responsible?

Brainstorm

Types of Defenses to a Criminal Charge

Those who are charged with a crime typically offer some defense attempting to show why they should not be liable for a criminal charge.

There are four broad categories of defenses:

- 1. Alibi**
- 2. Justifications**
- 3. Excuses**
- 4. Procedural defenses**

Types of Defenses

Alibi	
A claim of alibi	
Justifications	
Self-defense	
Defense of others	Consent
Defense of home and property	
Excuses	
Duress	Provocation
Age	Insanity
	Diminished capacity
Involuntary intoxication	Mental incompetence
Unconsciousness	
Procedural Defenses	
Entrapment	Denial of a speedy trial
Double jeopardy	Prosecutorial misconduct
	Police fraud