# **Origins of the Law**

## \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

## \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

## \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

# **Age of Culpability**

## Juvenile: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

## Adult: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

# **Crime Conviction Requirements**

## Proof \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

## All elements of an offense have to be proven

# **Elements of an Offense**

## \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ – this is determined by the government

## \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (CMS)

## \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

## \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

# **Culpable Mental States**

## The \_\_\_\_\_\_\_\_\_\_\_\_\_ someone has when committing a crime, their \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

## There are four types of culpable mental states:

### \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ – conscious objective

### \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ – aware with reasonable certainty

### \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ – aware but conscious disregard of substantial and unjustifiable risk. Gross deviation from what a normal person would do.

### \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ – should have been aware of the risk but was not

# Instances When Crimes Go Without Punishment

## Exceptions – \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ , 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).

## Defense – \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

### The prosecutor does not have to negate the existence of the defense

### The defendant must \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ this exists

### If it exists, the court shall charge that this is a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and the person must be acquitted

## Affirmative Defense – \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

### The prosecutor does not have to negate the existence of the defense; that is up to the defendant

### It must be proven by a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

### Example – sexual assault or statutory rape and the three-year exception, if the victim is at least 14 years old and it is consensual

# **General Defenses Used in Trial**

## \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

### Affirmative defense

### At the time of the conduct

### Mental disease

### \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

## \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

### Is a defense

### \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

### \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

## \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ – ignorance of a law is not an excuse for breaking that law

## \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_– voluntary intoxication is not a defense

## \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

### Affirmative defense

### Not guilty if forced to commit the crime because of the \_\_\_\_\_\_\_\_\_\_\_\_\_ of death or serious bodily injury to himself or another

### \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ if the person intentionally, knowingly, or recklessly put himself in that position

## \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

### \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ vs. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

### If the law enforcement officer induced the person to commit the crime then this defense applies

### Examples – bait cars and undercover agents

# **Punishments**

## Class C Misdemeanor

### Fine not to exceed $\_\_\_\_\_\_\_

### *Example* – \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

## Class B Misdemeanor

### Fine not to exceed $\_\_\_\_\_\_

### Up to \_\_\_\_\_\_ days in jail

### Or both

### *Example* – \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

## Class A Misdemeanor

### Fine not to exceed $\_\_\_\_\_\_

### Up to \_\_\_\_\_\_\_\_\_\_\_ in jail

### Or both

### *Example* – \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

## State Jail Felony

### Fine up to $\_\_\_\_\_\_\_\_\_\_\_

### \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in jail

### Or both

### *Example* – \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

## Third Degree Felony

### Fine up to $\_\_\_\_\_\_\_\_\_

### \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in prison

### Or both

### *Example* – \_\_\_\_\_\_\_\_\_\_\_\_\_

## Second Degree Felony

### Fine up to $\_\_\_\_\_\_

### \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in prison

### Or both

### *Example* – \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

## First Degree Felony

### Fine up to $\_\_\_\_\_\_\_\_\_\_\_\_

### \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in prison

### Or both

### *Example* – \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

## Capital Felony

### \_\_\_\_\_\_\_\_ in prison or the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

### *Example* – \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

# **Other Important Aspects**

## Criminal Attempt

### \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

### The punishment is one level below the crime the person is trying to commit

### *Example* – \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

## Criminal Conspiracy

### \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

###  Overt act – \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (the act is not necessarily a crime in and of itself)

### The punishment is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ the most serious crime planned