

ADMINISTRATION OF JUSTICE
Homework Exam Review

GENERAL ASPECTS OF CRIMINAL LAW

Name: _____ Period: _____ Row: _____

I. INTRODUCTION TO CRIMINAL LAW

1. The justice system in the United States has been established by our _____ bodies to establish classifications of crimes based on severity, to distinguish between _____, _____, and _____.
2. Criminal _____ have many more protections than those who commit civil or _____, because criminal defendants have considerably more to lose _____.
3. Most people informally define a crime as an act that is deeply wrong, that is worthy of strong _____, and that calls for a _____.
4. What is truly a crime is any act or omission that is _____ by the law as a _____ of the public interest.
5. A crime involves social harm and requires _____.
6. It is prosecuted by government _____ who represent the _____ as a whole, not the individuals who have been victimized by the _____.
7. An important aspect of crime and _____ conduct is _____. Interpretation of how a law is written. "Letter of the Law" is the exact way the _____ – or what it says. "Spirit of the Law" legislative intent – why was the _____? Police must use common sense approach.
8. Punishment can take many forms, all of which carry one essential characteristic that distinguishes _____ from _____ wrongdoing: the condemnation and stigma that accompanies the conviction of a crime.
9. A civil wrong can be classified as a _____, which is a _____ act that results in an injury or a _____ of _____ that leaves the injured party entitled to _____.
10. Criminal and civil law both involve holding individuals _____ for actions that the law _____.

There are two significant differences between the consequences of criminal liability and civil liability.

11. First, a crime is committed against the _____ at large, but a _____ is a wrong against _____ individuals only.
12. The pursuit of a tort _____ involves no government action being brought against _____.
13. A class action _____ involves several people taking legal action against a _____ or _____ who has wronged them.

14. Second, the consequences of tort _____ are less than the consequences of criminal _____.
15. A party involved in a civil suit does not face the possibility of punishment, such as _____.
16. Punitive damages in a civil action is not considered equivalent to incarceration or the _____.
17. An individual's single act may constitute both a _____ and a tort and thus may be punishable under _____ and _____ law.

II. STATE AND FEDERAL CRIMES

18. The federal government and individual state _____ bodies may enact _____ laws.
19. Some acts, such as simple assault, disorderly conduct, _____ driving, and _____, can be prosecuted only in a _____.
20. Acts, such as failure to pay _____ taxes, mail _____, espionage, and international _____, can be prosecuted only in a _____ court.

III. GENERAL CONSIDERATIONS

21. A crime is an act that the government _____ and that the government can _____.
22. Almost all crimes require an act, accompanied by _____.
23. The guilty state of mind means that the prohibited act must be done _____, _____, or _____.
24. In most cases, mere _____ is not considered a guilty state of mind.
25. Criminal liability requires a _____, or unity, of two general criteria:
26. First, there needs to be an _____ or _____ element, known as the _____ reus or the criminal act.
27. Second, there needs to be a certain _____ state or _____, known as the _____ rea. This mental state is often referred to as _____ intent.

III. GENERAL CONSIDERATIONS: Continued

28. A person commits an act based on one of four types of _____.
29. Acting with _____:
30. The person acts purposely with respect to the expected _____ or _____.
31. Acting _____:
32. A person knowingly causes a result if they know or are practically certain that their conduct will _____.
33. Acting _____:

34. A person acts recklessly if they _____ ignore a substantial and unjustified _____ that a certain circumstance exists or will result from the _____ conduct.
35. Acting _____:
36. A person acts _____ if they are aware that a _____ and _____ risk exists or will result from the negligent conduct and _____.
37. A person who commits a single act can be held to answer for both a _____ and _____ wrong.
38. Motive is the _____ why the a person _____ the act.
39. Motive usually means the _____ that prompts a person to _____ the act.
40. Motive is not an _____ required to be proven in order to obtain a _____ for a _____ offense.
41. Motive is often important as a matter of _____ because it may help to _____ the perpetrator of a crime or explain why a suspect may have _____ in a certain way.
42. Intent is a person's _____ desire to commit an act and is called "_____".
43. Mens rea is that state of _____ that a person has at the time that he or she does the _____ or _____ that constitute the _____.
44. Mens rea is also referred to as the _____ or a persons _____ in committing an act.
45. Mens rea or guilty state of mind deals with the level of awareness involved in _____.
46. There are three types of intent (state of mind) that can be involved in _____ a persons _____ in committing a crime.
47. General _____ - also called _____ intent.
48. Legal _____: a person is presumed to intend the ordinary consequences of his _____.
49. Criminal intent can involve nothing more than the intent to commit the act _____ of whether one knows the _____.
50. Specific intent is the _____ purpose to accomplish a specific act _____ by law.
51. Specific intent is a special intent in the mind of the _____, and it is an element apart from the _____ of the crime.
52. Specific intent is the _____ type of intent to prove because it is not always easy to infer the _____.

53. Transferred intent holds a person criminally _____ even when the consequence of his or her action is not what the _____.
54. If a person intends to harm one person, but the harmful action _____ injures or kills another, the required criminal element of intent instead _____ to the harm committed against the _____ victim.
55. A few crimes are called strict _____ offenses. These crimes do not require a guilty state of mind.
56. The act itself is criminal, regardless of the _____ or intent of the person committing the act. Example: the law makes it a strict liability crime to sell _____ to minors.

IV. GENERAL RULES OF CRIMINAL LAW

57. The United States Constitution and the constitutions of individual states require that special _____ and _____ be afforded to an _____ criminal.

This can be seen in several specific Amendments in the Bill of Rights, such as:

58. The Fifth Amendment's protection against _____ and double jeopardy.
59. The Sixth Amendment's rights to a _____ and _____ trial, trial by jury, the _____ and cross-examination of _____, and counsel.

IV. GENERAL RULES OF CRIMINAL LAW: Continued

60. The Eighth Amendment's protection against excessive _____, excessive _____, and cruel and _____ punishment.
61. The Fourteenth Amendment's right to _____ of law applies to both the _____ government and state governments.
62. The most common way to classify crimes is according to their _____. Crimes can be broken into three major categories: felonies, misdemeanors, and _____.
63. A felony is any serious crime that is punishable by more than a year of _____ in a state _____ or by death.
64. Felonies include, but are not limited to, various degrees of _____, rape, _____, possession or distribution of illegal _____, and _____ theft.
65. A crime does not have to be _____ or even be perpetrated against a _____ individual victim to constitute a felony.
66. Modern law defines a misdemeanor as a crime that is less _____ than a felony and is usually punishable by _____, _____, or _____ of less than one year.
67. Misdemeanors include offenses like _____ and _____ conduct.

68. A person who is convicted of a misdemeanor and _____ usually serves his or her sentence in a local or county jail up to _____.
69. Punishment may also include in-patient drug _____ programs.
70. Some factors that a prosecutor may consider in deciding whether to charge an offense as a _____ or a _____ can include:
71. Prior offenses committed by the _____.
72. _____ of the offense.
73. The number of _____ involved.
74. The _____ of the perpetrator.
75. In addition to proving any guilty state of mind required, the prosecutor must _____ that every element of the crime was committed.

V. THE ACTUS REUS (CRIMINAL ACT) OF CRIMINAL RESPONSIBILITY.

76. The actus reus is the _____ action that a person must take toward the _____ of the crime in order to be _____ for a criminal offense.
77. In order to be responsible for a particular crime, a person must in some way perform the act required to meet the _____.
78. Actus reus usually consists of a _____ action.
79. A person is usually not _____ for an action over which he or she had no control _____.
80. If a person has acted _____ and later regrets the act, he or she is still held _____.
81. Conditions such as _____ illness or extreme _____ can diminish a persons criminal _____.
82. To fully understand _____, it is important to understand the difference between _____ actions and mere thoughts.
83. Omissions are legally viewed as _____ that can lead to criminal _____, usually in one of two situations.
84. The first situation occurs where the _____ of a crime specifically _____ an omission as punishable.
85. The second situation occurs where a person has an _____ duty to act in some way but _____ to do so, and such failure causes a _____ result.
86. A legal duty to act can arise from a _____.
87. There are legal _____ in relationships between a parent and a _____ or between a _____ and a patient.

88. Even though most people would feel _____ to act if someone's life were in danger, there are numerous _____ decisions holding that there was no criminal _____ when a person stood by and did _____ to help someone else in _____.
89. Under certain circumstances, mere _____ can constitute the actus reus of a _____ act.
90. Such words are so _____ that they can constitute a threat or cause further physical actions that society views as a _____ harm.
91. All jurisdictions have statutes for _____ offenses, which criminalize the possession of certain items or _____.
92. A person can be guilty of a crime requiring _____ without any further act than possession of the _____ article.
93. Actual _____ is usually required to prove a possessory offense, the prosecution must prove that the accused person _____ possessed the _____ item.

V. THE ACTUS REUS (CRIMINAL ACT) OF CRIMINAL RESPONSIBILITY: Continued

94. Possessory offenses frequently involve circumstances where it is likely that an individual will use what he or she possesses to _____.
95. By holding someone criminally liable for possessing the tools to commit a crime, further social harm _____.

VI. PRELIMINARY CRIMES

96. Certain types of behavior take place before the _____ of a crime but are complete crimes in themselves. Each offense can be _____ even if the harm intended _____.
97. Solicitation: A number of states make it a crime for a person to _____ (that is, ask, command, _____, or _____) another person to _____.
98. Example: Asking someone to buy _____ for a minor.
99. Attempt: In most states, an attempt to _____ a crime is in itself a crime.
100. To be guilty of the crime of attempt, the accused must have both _____ to commit a crime and taken some _____ step toward committing the crime.
101. Conspiracy: A conspiracy is an agreement between _____ or more persons to _____ a crime.
102. The designation of conspiracy as a crime is meant to prevent other crimes and to strike against _____.
103. In most states and in federal law, an overt act - that is, the act is committed open to view - is required for conviction _____.

VII. PARTIES TO A CRIME

104. The person who actually commits a crime is called the _____.

105. All principals are equally _____.
106. Aid means to _____ and it can be done innocently without any _____ of guilt knowledge or _____ intent.
107. Abet means _____ accompanied by _____ of the wrongful purpose of the committing the crime.
108. Not being present at the time of the crime but, _____ and _____ the commission of the crime.
109. Anyone who helps the principal complete the crime may be charged as an _____.
110. An accomplice is anyone who is _____ to prosecution for the _____ offense charged against the defendant on trial.
111. An accomplice is some one who _____ and willingly _____ with others in the commission of a _____ offense, and who intentionally assists another person in the _____ of a crime.
112. A person could be an _____ to a crime through many actions that help or _____ the crime's commission, including:
113. Offering words of _____.
114. Providing a _____ to be used during the offense.
115. Being a _____ during the criminal act.
116. _____ the getaway car.
117. Every person who, after a crime has been committed, _____, _____, or _____ a principal in such crime:
118. with intent that said principal may avoid or _____ arrest, _____ or punishment,
119. having knowledge that said _____ has _____ such crime or has been _____ with such crime or convicted thereof, is an _____ to such crime.
120. An accessory after the _____ has nothing to do with the actual _____ of the crime itself.
121. Accessories after the fact are _____ only for their own actions, not for the _____ crime.