

CJ 335 Study Guide 2

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NOTE: Study guides (and exams) are drawn from BOTH lectures and the textbook chapters assigned. These terms and issues are sometimes drawn exclusively from the lecture, on rare occasions from just the textbook, but usually are referred to in both formats

Elements of Crime: Actus Reus

Crimes defined in terms of their social harm—the death of a victim, the permanent deprivation of one's property, the violation of one's home by attack

Chronological concurrence---the fact that act and intent are related in time

Types of actus reus: Voluntary physical act (exclusions for seizures, some compulsions, status offenses, automatism), omissions where a duty to act exists, possession—actual and constructive, fleeting possession

American bystander rule v. Good Samaritan rule

Attendant circumstances, result crimes

Legal fictions---turning possession into an “act”

Other Issues: What are the elements of a crime—understand the terms actus reus, mens rea, and proximate cause (concurrence). What are the different types of Actus reus---voluntary acts, omissions, possession, status offenses.

Elements of Crime: Mens Rea

Culpability and the MPC: purposefully, knowingly, recklessly, negligently

Circumstantial vs. Direct evidence

Common law terminology: Specific intent, general intent

The objectively reasonable person standard

Transferred intent

Intervening causes

Strict liability

Other Issues: What are the different types of mens rea--specific intent, general intent, recklessness, and negligence plus strict liability.

Crimes Against Persons—Criminal Homicide

Definitions of when life begins, ends for criminal law purposes

“The killing of a live human being” means what?

Common law definitions of murder---intentional, justifiable, criminal

Modern expansion to division between murder and manslaughter

Murder: First and second degree---malice aforethought or specific intent to kill vs. depraved indifference, intent to cause great bodily harm, felony murder

Manslaughter: Voluntary and involuntary---uncontrollable reaction to sudden and adequate provocation without sufficient time to regain one’s senses or mistaken self defense claims vs. accidents, negligence (unlawful act manslaughter)

Death penalty—capital murder---aggravating and mitigating circumstances

Other Issues: What are the different gradations of Homicide--capital murder, 1st degree, 2nd degree, voluntary and involuntary manslaughter? What is premeditation and deliberation? What is depraved indifference? In what type of case is involuntary manslaughter usually charged? What is “charging in the alternative” as it refers to homicide?