

Chapter 2 - Criminal Law

D. Gerken

Lake Shore Central School

Objectives

- **Identify the major classes of crimes**
- **describe the elements of a crime**
- **distinguish among a variety of particular crimes**
- **explain the defenses available to criminal defendants**
- **summarize the penalties provided under criminal statutes**

Classifications of Crimes

- **Prosecutor**
 - usually the government
 - the party that accuses the person of a crime
- **Defendant**
 - the person who is accused of a crime

Classifications of Crimes

- **Felonies**

- a major crime punishable by imprisonment or death
- murder, manslaughter, burglary, robbery, arson
- “any offense punishable by death or imprisonment for a term exceeding one year”

Classifications of Crimes

- **Misdemeanors**

- a less serious crime with a less severe penalty
- fines or imprisonment in county or city jail
- driving w/out license, underage purchase of alcohol, leaving the scene of an accident

Elements of Crime

- Criminal Act
- Required State of Mind



Elements of Crime



- **Criminal Act**

- each statute that defines a crime must specifically explain the conduct that is forbidden by that statute
 - i.e. a statute that makes stealing a crime prohibits the wrongful taking of another person's personal property
- some statutes make failing to act a crime
 - failure to register for draft when 18.

Classifications of Crimes

- **Required State of Mind**
 - specified in the statute that defines the crime
 - in both manslaughter and murder the criminal act is the same but the intent or required state of mind differs



Classifications of Crimes

- **Motive**

- **motive actually plays no part in proving criminal liability**

- **uncovering a motive may help establish a list of suspects**
- **lack of motive does not remove criminal liability**

If a person has committed the forbidden act with the required state of mind, he or she is criminally liable.

Particular Crimes

- **Crimes against People**
- **Crimes against Property**
- **Crimes against Business Interests**

Crimes against People

- **Murder**
- **Manslaughter**
- **Assault and Battery**
- **Kidnapping**
- **Sexual Offenses**

Murder

- **The unlawful killing of another human being with malice aforethought**
 - **malice aforethought - *evil intent***

Murder

- **1st degree Murder**
 - premeditation
 - cruel or torture
 - while committing a felony, such as rape, robbery, or kidnapping
- **2nd degree Murder**
 - none of the aforementioned apply

Manslaughter

- The unlawful killing of another human being **without** malice aforethought
- The major difference between murder and manslaughter is that malice is found in murder but not in manslaughter

Manslaughter

- **Voluntary Manslaughter**

- when one person intends, at the time the act is committed, to kill another but does so suddenly and as the result of great personal distress

- **Involuntary Manslaughter**

- occurs when one person, while committing an unlawful or reckless act, kills another

- There is no intent to kill

Assault and Battery

- **The unlawful touching of another person is known as battery**
 - usually involves the forceful use of a person's hand, knife or gun
 - could be committed by giving person poison or drugs
- **Assault is an attempt to commit a battery**

Kidnapping

- **Involves the unlawful removal or restraint of a person against a person's will**
 - usually the victim is either threatened or forced to be a captive

Crimes against Property

- **Burglary**
- **Larceny**
- **Embezzlement**
- **Robbery**
- **Arson**

Burglary

- **The breaking (opening) and entering of a dwelling with the intent to commit a felony**

Larceny

- **The unlawful taking and carrying away of personal property of another with the intent to deprive the owner of it**

Larceny

- **Petty Larceny**
 - less than \$1000

- **Grand Larceny**
 - 4th degree (>\$1000)
 - 3rd degree (>\$3000)
 - 2nd degree (>\$50,000)
 - 1st degree (>\$1,000,000)

Embezzlement

- **The unlawful taking and carrying away of personal property of another with the intent to deprive the owner of it by someone who had been entrusted with that property**

Robbery

- **The unlawful taking and carrying away of personal property of another accompanied by violence, threats of violence or use of force**

Arson

- **The willful and malicious burning of a house or other building**