

Criminal Law, Questions & Answers.

Exam 2022/23 study guider

"Statutes"-penal code - ✓✓ Statutes give us certainty (can't be charged for a crime not in the statute and it must have a punishment). Because law is out there it is knowable (never a defense). Law can be proactive-look at conduct that is occurring and deal with it without having to wait for a case to happen.

Standard of Proof - ✓✓ Standard of proof-"beyond a reasonable doubt" (highest burden known to law).

Highest presumption known to law - ✓✓ Highest presumption known to law-"presumption of innocence".

Types of Offenses: - ✓✓ At common law, the most serious offenses were classified as felonies, and less serious offenses were classified as misdemeanors. Under modern statutes, a criminal offense may be classified as a felony, misdemeanor, petty misdemeanor, or a violation. [MPC § 1.04] A felony is considered a serious offense and is generally punishable by a term of imprisonment in excess of one year, a sentence of death, or a fine. [MPC § 1.04(2)] A misdemeanor is less serious than a felony and is generally punishable by fine or imprisonment for less than one year. [MPC § 1.04(3)] Similar to a misdemeanor, a petty misdemeanor is generally defined by a statute and imposes punishment upon a defendant for a maximum term in prison of one year. [MPC § 1.04(4)] A violation is a minor breach of the law and is typically punishable by a fine only; a person convicted of a violation is not considered to have committed a crime. [MPC § 1.04(5)]

Building blocks of statutes: - ✓✓ 1) Voluntary act, 2) Mental State, 3) Causation, 4) Social Harm

Voluntary Act - ✓✓ Voluntary Act-every criminal statute someone has to do something or fail to do something. A voluntary act means a bodily movement over which the individual has control. [MPC § 1.13(2)] The following are not voluntary acts: (1) a reflex or convulsion, (2) bodily movement while unconscious or during sleep, (3) conduct during hypnosis or resulting from hypnotic suggestion, or (4) a bodily movement that otherwise is not the product of the effort of the actor. [MPC § 2.01(2)]

Omission - ✓✓ An omission means a failure to act. [MPC § 1.13(4)] A defendant may not be held liable for an offense based on an omission unless there was: (1) a legal duty to act imposed by law; (2) a

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Nicola Monaghan



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