**Criminal Law Short Outline**

**ELEMENTS OF CRIMINAL ACT**

* Actus Reus – voluntary action or legally required omission
* Mens Rea – purpose, knowledge, reckless, negligent. (strict liability for drugs)
* Causaution – “but-for” (factual), proximate (reasonably foreseeable)

**HOMICIDE**

* Murder – purpose, knowledge, reckless manifesting extreme indifference to human life (presumed if felony)
  + Provocation – acted under (1) EED & (2) must have been “a reasonable explanation or excuse”
* Manslaughter – reckless or murder under extreme mental or emotional disturbance w/ reasonable excuse
* Negligent homicide – negligence
* Felony – Murder Rule
  + Limits
    - MPC – rebuttable presumption
    - “Inherently Dangerous Felony”
    - “Merger Doctrine”
    - Killings Not “In Furtherance” of the Felony

**RAPE**

* Rape – force/threat of imminent death, serious bodily injury, extreme pain or kidnapping OR drugs OR unconscious
* Gross Sexual Imposition – threat that prevents resistance by woman of ordinary resolution OR mental disease/defect OR unaware that a sexual act is being committed

**JUSTIFICATIONS AND EXCUSES**

* Self Defense
  + Reasonableness Standard
  + Battered Woman Syndrome (speaks to imminence)
  + Not liable if unintentionally kills/injures third person if acting in SD. *People v. Adams*
    - MPC 🡪 can be convicted of reckless endangerment
  + Duty to Retreat
    - Retreat Rule – knows he can avoid force w/ complete safety; can stay if only moderate force
    - Castle Doctrine
    - First Aggressor Rule – can’t claim SD if FA. Can shift if someone over-responds.
    - Stand Your Ground (expansion of castle doctrine)
* Necessity
  + Believes to Be Necessary to Avoid Harm/Evil, AND
  + Harm/Evil *is* Greater
* Duress – actor coerced by use/threat of unlawful force against himself/another, reasonable firmness in his situation unable to resist
  + Unavailable if actor recklessly put himself in situation where probably subject to duress
* Insanity
  + Need Mental Disease/Defect
  + Both Volitional & Cognitive Prongs
  + Diminished Capacity – used to rebut required mens rea, BUT not used to reduce crime
  + Rotten Social Background (?)

**EXPANDING LIABILITY**

* Attempt – specific intent AND substantial step
  + Abandonment must be voluntary AND complete
* Complicity – purpose of promoting/facilitating AND solicits/aids/agrees or attempts aid OR LD omission
  + Defenses – victim, conduct only incidental, terminates complicity by depriving effectiveness OR cops
* Conspiracy – purpose of promoting/facilitating AND agrees to engage in conduct OR agrees to aid
  + Need overt act
  + Renunciation by thwarting success AND complete and voluntary
  + Abandons if advises conspirators of his abandonment AND informs police of conspiracy

**BAN ON STATUS CRIMES**