

Party Liability

principal	person who actually commits the actus reus of the crime
Accomplice	person who aids or abets the principal prior to or during the crime; must intend to help principal; mere knowledge is insufficient
Accomplice Liability for Other Crimes	accomplice is liable for any crimes that are the natural and probable consequence of the accomplice's conduct
Withdrawal	to legally withdraw, an accomplice must repudiate prior act, do all that is possible to countermand prior assistance, and do so before the Chain of motion is unstoppable
Accessory after the fact	person who aids a felon to avoid apprehension after the felony is committed; must know felony was committed

Responsibility- Insanity

M'Naughten	The defendant is not guilty if, because of a mental disease or defect, the defendant did not know either (i) the nature and quality of the act, or (ii) the wrongfulness of the act.
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Responsibility- Insanity (cont)

Irresistible Impulse	The defendant is not guilty if a mental disease or defect prevented him from being able to conform his conduct to the law.
Durham Rule	The defendant is not guilty if the crime would not have been committed but for the mental disease or defect.
Model Penal Code	The defendant is not guilty if a mental disease or defect either prevents the defendant from knowing the wrongfulness of the conduct or prevents the defendant from being able to conform his conduct to the law

Responsibility- Intoxication

Voluntary	is a defense to specific intent crimes if the intoxication prevents the formation of the required intent; not a defense to crimes involving malice, recklessness, or negligence, or for strict-liability crimes
Involuntary Dissolution	defense to both general and specific intent crimes, as well as malice crimes when the intoxication serves to negate an element of the crime

Responsibility- Mistake of Fact

General Intent	Only reasonable mistake may be used as a defense
Specific Intent	Any mistake of fact is a potential defense; even unreasonable mistakes

Homicide

Killing a person	a living person must die
Causation	Actual and Proximate Cause (Intervening or Superseding causes)
Common Law Murder	the unlawful killing of a human being committed with malice aforethought
Malice aforethought	intent to kill, intent to inflict serious bodily harm, reckless indifference to an unjustifiably high risk to human life, intent to commit a felony
Felony Murder	a defendant can be found guilty for the unintended but foreseeable killing that is proximately caused by or during the commission or attempted commission of an inherently dangerous felony; BARRK
Defenses to Felony Murder	death was unforeseeable; point of safety
Death of a bystander (majority rule)	defendant will not be liable for the death of a bystander caused by a police officer or as a result of resistance by the victim of the felony because neither person is the felon's agent. KEY=agency

Homicide (cont)

Death of a co-felon defendant will not be liable for the death of a co-felon if a victim or police officer kills the co-felon

First Degree Murder Premeditated and deliberate

Premeditated defendant had enough time to plan and reflect on the idea of the killing

Deliberate made the decision to kill in a cool and dispassionate manner

Second Degree Murder Homicide with necessary malicious intent (to kill, to do great bodily injury, or depraved heart)

Voluntary Manslaughter murder committed in response to adequate provocation (heat of passion)

Provocation Objective: reasonable person would have been provoked (words not enough). Subjective: defendant actually provoked

Time to cool off Objective: There must not have been sufficient time for an ordinary (reasonable) person to cool off; Subjective: The defendant also must not have actually cooled off.

Homicide (cont)

Involuntary Manslaughter an unintentional homicide committed with criminal negligence or during an unlawful act

Criminal Negligence Grossly negligent action that puts another person at a significant risk of serious bodily injury or death. MPC also requires awareness

Unlawful Act unlawful act that does not rise to felony murder and a death occurs as a result

Other Crimes Against the Person

Criminal Battery The intentional unlawful application of force to another person that causes bodily harm to that person, or constitutes an offensive touching

Criminal Assault An attempt to commit a battery, or intentionally placing another in apprehension of imminent bodily harm

Kidnapping The unlawful confinement of a person against that person's will coupled with either movement or concealment of that person

False Imprisonment The unlawful confinement of a person without consent. Other person must be aware of confinement or must be harmed

Rape Unlawful sexual intercourse with a person against his/her will by force or threat of immediate force.

Crimes Against Property

Larceny The trespassory taking and carrying away of the personal property of another, without consent, with the specific intent to permanently deprive the owner of the property at the time of the taking

Embezzlement The fraudulent conversion of the property of another by a person who is in lawful possession of the property

False Pretenses defendant obtains title to the property of another person through reliance of that person on a false representation of material fact made by the defendant with the intent to defraud. Representation must be false and material

Robbery A larceny by force or intimidation when the taking of property is from the victim or in his presence

Burglary the breaking and entering of the dwelling of another at nighttime with the specific intent to commit a felony therein

Inchoate Crimes

Conspiracy An agreement between two or more people to accomplish an unlawful purpose with specific intent to agree and commit the criminal object + an overt act in furtherance of the conspiracy. NO merger



Inchoate Crimes (cont)

Liability for Co-conspirator crimes conspirator is liable for the conspiracy and all the crimes of a co-conspirator committed in furtherance of the conspiracy crimes

Withdrawal (majority rule)

Attempt requires a substantial step toward the commission of a crime coupled with the specific intent to commit the crime. Mere preparation is not enough. MERGES

Abandonment once the defendant has taken a substantial step toward the commission of the offense, the defendant may not legally abandon the attempt to commit the crime

Solicitation Individual invites, requests, or commands another person to commit a crime. MERGES

Defenses

Self-Defense the use of reasonable force to protect oneself at a reasonable time; Deadly force may only be used to protect against the use of deadly force

Imperfect Self-Defense Too much force for the circumstances may mitigate a murder charge down to voluntary manslaughter

Defenses (cont)

Duress third party's unlawful threat causes a defendant to reasonably believe that the only way to avoid death or serious bodily injury to himself or another is to violate the law, and that causes the defendant to do so

Duress and Homicide duress is not a defense to intentional homicide, but it is available for criminally negligent homicide

