**Read the below study guide and answer the questions that follow. Submit your answers to** [**rschwill@bartlettschools.org**](mailto:rschwill@bartlettschools.org) **.**

**Classifications of Law Study Guide**

**Assignment 1 Exercise**

The various classifications of law, three of the most important distinctions can be made between: (page 75)

1. Civil Law and Criminal Law
2. Felonies and Misdemeanors
3. Crimes “Mala in Se” and Mala Prohibita”

**Civil and Criminal Laws**

All law can be divided into two categories: (page 75)

a) Civil Law

b) Criminal Law

The primary goal of the Criminal Justice System is protecting society from harm by preventing and prosecuting crimes. (page 75)

The state prosecutes a person who commits a criminal act. (page 75)

Civil law includes all types of law other than Criminal Law. (page 75)

Civil Law is law concerned with disputes between private individuals and between entities. (page 75)

Civil Suits are initiated by an individual or a corporation. (page 75)

Under Civil Law, the government provides a forum for the resolution of torts or private wrongs. (pg. 75)

The injured party in a Civil Lawsuit is called the plaintiff. (page 75)

The injured party or plaintiff tries to prove a wrong has been committed by the accused party, who is called the defendant. (page 75)

Most civil cases involve a request for monetary damages in recognition that a wrong has been committed. (page 75)

The Burden of Proof is much greater in criminal trials that it is in civil trials. (page 76)

Criminal cases must be proven beyond a reasonable doubt. (page 76)

Civil Cases must only be proven to have the preponderance of the evidence. (page 76)

**Felonies and Misdemeanors**

Felonies are serious crimes punishable by death or imprisonment in a Federal or State Penitentiary for one year or longer. (page 76)

The four degrees of Felonies according to the Model Penal Code are: (page 76)

1. Capital Offenses - Maximum penalty is death

2. First Degree Felonies - Maximum penalty is life imprisonment

3. Second Degree Felonies - Maximum penalty is ten years imprisonment

4. Third Degree Felonies - Maximum penalty is five years imprisonment

**Degrees of Murder:** (page 77)

First Degree Murder occurs under two circumstances:

1. When the crime is premeditated, or considered beforehand by the offender, instead of

being a spontaneous act of violence.

2. When the crime is deliberate meaning it was planned and decided on after a process of

decision making.

Second Degree Murder occurs when no premeditation or deliberation, but the defendant did have

“Malice aforethought” toward the victim. (page 77)

Manslaughter is a homicide committed without malice toward the victim. (page 77)

Voluntary Manslaughter occurs when the intent to kill may be present, but malice was lacking. (page 77)

Involuntary Manslaughter occurs when the offender’s acts were negligent, even though there was no intent to kill. (page 77)

Misdemeanors are crimes punishable by a fine or by confinement for up to a year. (page 77)

Disorderly Conduct and Trespassing are common misdemeanors. (page 77)

Probation and Community service are often imposed on those who commit misdemeanors, especially juveniles. ((page 78)

Most states have decriminalized all but the most serious traffic offenses. The infractions are treated as civil proceedings and civil fines are imposed. ((page 78)

**Social Functions of Criminal Law**

“Mala in Se” crimes are said to go against “Natural Laws” or against the “Natural, Moral and Public” principles of a society. (i.e. murder, rape) ((page 78)

“Mala Prohibita” crime is considered wrong only because it has been prohibited and may reflect the moral standard of the time. ((page 78)

**Elements of a Crime**

Criminal Law normally requires that the “Corpus Delicti” a Latin phrase meaning “the body of the crime” be proved before a person can be convicted of wrong doings. ((pages 78/79)

“Corpus Delicti” is proof that a specific crime has actually been committed by someone. (page 79)

“Corpus Delicti” consists of the basic elements of any crime: (page 79)

1. Actus Reus or Guilty Act

2. Mens Rea or a Guilty Intent

3. Concurrence - the coming together of the criminal act and the guilty mind

4. A link between the act and the legal definition of the crime.

5. Any attendant circumstances

6. Harm done or result of the criminal act

Most crimes require an act of commission; that is a person must do something in order to be accused of a crime. This prohibited act is referred to as the Actus Reus or Guilty Act. (page 79)

The Guilty Act requirement is based on one to the premises of criminal law that a person is punished for harm done to society. (page 80)

A Wrongful Mental State, Mens Rea is as necessary as a wrongful act in establishing guilt. (page 80)

A Guilty Mental State includes elements of: (pages 80-81)

1. Purpose - Desires to engage in certain criminal conduct

2. Knowledge - is aware of the illegality, must believe the illegality exists or must correctly

suspect the illegality exists.

3. Negligence - A mental state in which the defendant grossly deviates from the standard of care

that a reasonable person would use under the same circumstances.

4. Recklessness - Consciously disregards a substantial or unjustifiable risk

Intent plays an important part in allowing the law to differentiate among the varying degrees of criminal liability to similar, though not identical, guilty acts. (page 81)

For certain crimes, criminal law holds the defendant to be guilty even if intent to commit the offense is lacking. These acts are known as Strict Liability. These crimes generally involve endangering public welfare in some way. Strict Liability crimes do not allow the alleged wrong doer to claim ignorance or mistake to avoid criminal responsibility. (page 82)

Accomplice Liability occurs when the suspect did not commit the crime, but acted as an accomplice to a crime, or helped another person commit the crime. (page 82)

Generally, to be found guilty as an accomplice, a person must have dual intent: (page 82)

1. Aid the person who committed the crime

2. Such aid would lead to the commission of the crime

Concurrence - The guilty act and the guilty intent must occur together. (pages 82/83)

Criminal Law also requires that the criminal act cause the harm suffered. (page 83)

In certain crimes, attendant circumstances - also known as accompanying circumstances is relevant to the “corpus delicti”. (page 83)

For most crimes to occur, some harm must have been done to a person or to property. (page 84)

Inchoate Offenses exist when only an attempt at a criminal act was made. (page 84)

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1. All law can be divided into two categories. They are:

2. The primary goal of the criminal justice system is to:

3. A civil lawsuit is filed by the:

4. In a civil case the standard of proof or amount of evidence that is needed to win the case is called the:

5. Civil law includes all types of laws:

6. Who prosecutes a person who commits a criminal act?

7. First Degree murder occurs when there are two circumstances present. There\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

which means it was considered beforehand, and\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, meaning it was planned.

8. Two common misdemeanors are:

9. \_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_ is proof that a specific crime has actually been committed by someone.

10. The guilty act is known as:

11. In civil law, the government provides a forum for the resolution of private wrongs known as:

12. In civil law, most cases involve a request for \_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_ in recognition that a wrong has been committed.

13. Is the burden of proof is much greater in a criminal trial than it is in a civil trial.

14. The standard of proof for criminal cases is:

15. Serious crimes that are punishable by death or imprisonment in a penitentiary are known as:

16. Mala in Se crimes are said to be crimes that:

17. \_\_\_\_\_\_\_\_\_\_ offenses exist when only an attempt at a criminal act was made.

18. In a civil case the injured party tries to prove a wrong has been committed by the accused, who is called the:

19. \_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ crime is considered wrong only because it has been prohibited, and may reflect the moral standard of the time

20. Link the elements of a crime that must happen for a criminal act to have occurred.