

CHAPTER 14

Criminal Law and Juvenile Law

CRIMINAL LAW

Chapter 14 Section I

Case File and 345-347

- Review the case file at the beginning of the chapter. Think about the situation (however exaggerated it may be) and consider it. In your opinion, who is responsible for the fight? Who is responsible for the injury sustained? Should anyone be held criminally accountable? Is there any civil case here? Explain your position.
- What does it mean when we hear “innocent until proven guilty” in criminal law?
- Discuss the various purposes of criminal laws? Are our laws only designed to punish those who commit crimes? Explain
 - Are there any issues with the goals of criminal law?
 - Pick one of the goals of criminal law that you find (even slightly) to be questionable. (This means you may not agree that this should be a goal of criminal law). Explain your position
 - Now think more about your position. In a few sentences explain the opposite, why this is an important aspect of criminal law.
- What is Mens Rea? Why does Mens Rea play an important role in criminal law
 - What are the four states of mind under criminal law?
 - How does Mens Rea (rAy-uh) differ from Actus Reus (rAy-us / rEy-us)
- Vocab.

Criminal Law

- Purposes of Criminal Law
 - Deterrence – Prevent people from committing crimes through understanding that they will be punished
 - Rehabilitation – Through penalties for crimes criminals (in theory) should benefit from educational / training and treatment programs
 - Incapacitation – Simple removal of a person from society to prevent them from injuring others (prison / death)
 - Retribution – Society seeks vengeance on those who commit crimes
- Elements of a Crime
 - Mens Rea – State of Mind
 - Purposeful Act – Action with intention – Shooting a gun at someone with the intention of hurting them
 - Knowing Act – Purposeful act with understanding of results – Shooting a gun in a crowded room but with no real target
 - Reckless Act – An conscious disregard for the consequences of an action – firing a gun into the air in a crowded part of town
 - Negligent Act – unjustifiable risk but with no disregard for the risk – firing a gun into the air in an open, rural area and the bullet happens to strike the only other person for miles.
 - Actus Reus – the action of the crime – pulling the trigger on a gun – must be a voluntary act
 - Not all crimes require Mens Rea but all do require Actus Reus, when they concur Mens Rea must precede Actus Reus

Case Study (348-353)

- Read United States v Falkowski
 - Answer all case analysis questions
 - What were the conclusions of the court in regards to Double Jeopardy? – What role did Falkowski's plea play in his ability to be held accountable civilly and forfeit his property.
- Read application 14.2
 - Using this case what do the terms willfully, maliciously and wantonly mean?
 - Do these terms describe the mens rea or the actus reus of a crime?

Crimes 354-361

- Who can crimes be committed against? What types of crimes can be committed against each?
 - What is the difference between a felony, misdemeanor and a petty offense? Which is the most serious? Which is the least?
- Most people would consider homicide a crime. When is homicide not a crime?
 - Discuss the difference between first degree and second degree murder and manslaughter
 - Identify the differences (using the internet) between voluntary and involuntary manslaughter. Explain.
 - How does mens rea play a part in the difference between murder and manslaughter?
- What is Assault? What is Battery? Can you have one without the other? Explain.
- What are the differences between Kidnapping and False Imprisonment? Can you have one without the other? Explain.
- Read application 14.5 on page 362 complete Questions 1 and 2 for discussion in class
- Vocab.

Crimes – Remember State Laws Differ

- Homicide – The taking of the life of one person by another – not all homicides are crimes for a homicide crime to be committed there must be criminal intent (mens rea)
 - First Degree Murder – Premeditated, willful and deliberate killing (arson, rape, armed robbery – that result in death of an individual)
 - Second Degree Murder – Impulsive act of killing as a result of action – no pre-intention to kill – you get in a fight with someone and in the scuffle you punch him - he falls down the stairs and dies.
 - You know that the actions you are taking could possibly result in death
 - Killing done impulsively without premeditation but with malice aforethought (thought of at the last minute)
 - A killing that results from an act intended to cause serious harm
 - A killing that results from an act that demonstrates an indifference to human life
 - Manslaughter – the unintentional killing of an individual
 - (NJ) Voluntary Manslaughter – (crimes of passion) killing as a result of being provoked in a manner that any reasonable person may be provoked
 - (NJ) Involuntary Manslaughter – disregard risk causes the death of another person
 - Felony Murder (NJ)
 - You and your friend rob a store at gunpoint (felony) your friend shoots and kills the clerk – you can be charged with felony murder.
 - No death penalty 8th amendment for the person who doesn't actually do the killing

Crimes Continued

- Assault / Battery
 - Battery – Reckless, intentional offensive, harmful touching of another person
 - Assault – placing a person in apprehension or fear of an imminent battery
- Kidnapping and False Imprisonment
 - Kidnapping – Unlawful taking of, confinement of, and carrying away of a person by threat of force, fraud or deception
 - False Imprisonment – unlawful taking and confinement of another person through force or threat
 - The retraining of someone as to interferer with their liberty without cause.

Burglary

- Burglary – unlawful entering into a structure to commit theft or a felony – a victim does not have to be present
 - First and Second Degree (pg. 362)
- Robbery – taking something from someone that has value by utilizing intimidation, force or threat – a victim must be present
 - First Degree – Armed Robbery or if you inflict harm on the victim
 - Second Degree - All other Robbery
- Larceny – unlawful taking – you do not have to enter into a structure and a victim does not have to be present
 - You reach into an open car window and take someone's phone
 - Grand Larceny – Based on value of property often \geq \$500
 - Petty Larceny - $<$ \$500
- Breaking and Entering – entering a residence or other enclosed property through any amount of force (even opening a door) but with no intention to commit a crime.
 - Sometimes this term is just used interchangeably with Burglary

Case Studies

- Read Roy V Gomez (356-358)
 - Answer all Case Analysis Questions
- Read Schweinle v Texas (359-361)
 - Answer all Case Analysis Questions
 - Model Penal Code is located in Application sections of the chapter

JUVENILE LAW

Chapter 14 Section II

Essay Assignment and Juvenile Law (362-364)

- Posted on Google docs is the Case *Miller v Alabama* regarding Juvenile Life Sentences
 - Begin reading this case tonight (you do not have to read the whole thing tonight) and review the essay assignment provided, also on google docs. The due date will be assigned in class.
- Discuss the changing trends in the Juvenile Justice system since 1900. How have things changed?
 - Do you think we are moving in a positive direction or negative direction regarding the court's attitude towards juvenile delinquents? Why?
- What is the major purpose of the juvenile justice system? Is this different than the adult system? How?
- What rights do juveniles have in the legal system? What rights do they not have?
- Vocab.

Case Studies

- Read *In re Gault and Breed v Jones* 364-367
 - Answer all case analysis questions
 - By the way – “In re” just means “The case regarding”

Application and Analysis

- Complete Questions 1 and 3 under Application and Analysis
- Complete Assignments and Projects 1 and 2
- Use the internet to find out if Juveniles can be charged as adults in New Jersey – Under what conditions and under who's discretion?