

**Criminal Law
Lecture 1 Study Guide**

Define Law:

Who is the Sovereign and what is the role of the Sovereign in making law?

America draws many of its legal ideas from England at the time before the American Revolution. During that period in history, how were laws in England made?

Who is the sovereign in America? How does that sovereign authority translate itself into substantive criminal law?

In the United States, the _____ limits the scope of the criminal law by limiting the power of government.

What is the role of the US Constitution in limiting the criminal law?

Civil Law:

Cases are brought forward by the _____.

The _____ must answer the charge.

Criminal law:

Cases are brought forward by the _____.

The _____ must answer the charge.

Crimes are divided into two broad classes:

- _____ have a maximum possible sentence of more than one year incarceration.
- _____ have a maximum possible sentence of less than one year incarceration.

In criminal law, a guilty defendant is punished by either:

1. _____
2. _____
3. _____

In general, a losing defendant in civil litigation only _____ the plaintiff for losses caused by the defendant's behavior.

The use of _____ makes a public example of the defendant and supposedly deters future wrongful conduct by others.

What is the "Burden of Proof"?

The _____ always has the burden of proof in criminal cases.

What is the standard of proof in criminal cases? How “sure” is that expressed as a percentage?

What is the standard of proof in civil cases? How “sure” is that expressed as a percentage?

A _____ is an injury or wrong committed, either with or without force, to the person or property of another, for which civil liability may be imposed (That is, a private wrong).

_____ are money awarded by a court to a person injured by the unlawful actor negligence of another person.

The principal function of criminal proceedings is to _____ the offender.

There are two major branches of the criminal law:

_____ is composed of the rules governing the series of proceedings through which the substantive criminal law is enforced.

_____ defines crime and punishment—for example, what act constitutes murder or what punishment a murderer should receive.

In most jurisdictions, several things must be shown by the prosecution to obtain a conviction:

1. _____
2. _____
3. _____
4. _____

_____ are laws passed by legislatures that set an amount of time following certain events, after which legal proceedings (these apply to both civil and criminal cases) involving those events may not begin.

_____ is the specific county, city, or geographical area in which a court has jurisdiction; the place where a case *should* be tried.

_____ is the power and authority of a court to hear and decide a particular type of case.

In its most basic form, a crime has at least three elements:

1. _____ – the criminal act or omission that the law seeks to prevent
2. _____ – the criminal intent. This is the mental element of the crime.
3. _____ – The idea that the criminal intent must lead to the criminal act.

Some crimes are more complex because they require that some criminal harm occur. These types of crimes require two additional elements:

1. _____
2. _____

Causation refers to the idea that _____ .

What does the “resulting harm” element mean? What is an example? _____

