Handout 3 Criminal law

## **Terminology**

1. *Explain the meaning of the word “crime” in each sentence.*
   * 1. They explored race relations, hate **crimes**, and human rights in the project.
     2. Middle class families moved to the area and **crime** dropped substantially.
2. Criminal law is synonymous with \_\_\_\_\_\_\_\_\_\_\_\_ law.
3. “**Ignorance of the law is no defence**” – *explain this principle in your own words*.
4. The legal principle that every person accused of any crime is considered innocent until proven guilty is called \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
5. What is the **standard of proof** in criminal cases? (in common law countries)
6. *Can you see any difference between the words “charge” and “accuse”?* 
   1. The police arrested the man and **charged** him **with** robbery.
   2. The chancellor can hardly be **accused of** complacency.
7. What is an **indictment**?
8. What is the opposite of a **conviction**?
9. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is a document issued by a judge that authorizes the police to take someone accused of a crime into custody.
10. ***Actus reus*** refers to the act or omission that comprise the physical elements of a crime as required by statute. *Provide an example.*
11. ***Mens rea*** refers to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ . *Actus reus* and *mens rea* must occur concurrently.
12. If you were convicted in the US, would you prefer to serve your term in a federal **prison** or in a county **jail**?
13. Who is a **repeat offender**?
14. An **accessory before-the-fact** or an **accessory after-the-fact**?
    1. The person who gave him the gun was an accessory \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
    2. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is one who, knowing that a person has been a party to the offence, receives, comforts or assists that person for the purpose of enabling that person to escape.
15. **Self-defence** is one of the **defences** that can be raised in a criminal trial. Which other defences can be raised?
16. Explain the difference between a **sentence** and a **conviction***.*
17. What is the opposite of **mitigating factors**?
18. US: What is the difference between a **felony** and a **misdemeanor**? In the UK, there is a similar distinction between **indictable offences** and \_\_\_\_\_\_\_\_\_\_\_ offences.
19. When a judge **passes a life sentence**, they must specify the minimum term an offender must spend in prison before becoming eligible to apply for **parole**. *Explain the word “parole”*.
20. Would you prefer to serve a **concurrent** or a **consecutive sentence**? Explain the difference.
21. How do you understand the word **homicide**? Is there a possible confusion around the meaning of homicide?
22. The recent concerns around **infanticide**in South Korea coincide with ongoing anxiety over the country’s demographic trends. *Explain the meaning of infanticide.*
23. At common law, murder was defined as killing with **malice aforethought**. *What is meant by that?*
24. Briefly describe the classification of murders in the US.
25. **GBH** is not taken lightly in the eyes of the law. Therefore, the maximum charge for a GBH crime can be life imprisonment. *What do the letters GBH stand for? Provide an example of GBH.*
26. A man who killed his brother with a single punch while in a “**towering rage**” is jailed for three years and nine months. Explain the meaning of towering rage. Is it a mitigating or aggravating factor? A possible synonym: **in the heat of** \_\_\_\_\_\_\_\_\_\_\_\_\_\_.
27. What does it mean if you are **intoxicated**?
28. Explain the difference between **burglary** and **robbery** in simple terms.
29. \_\_\_\_\_\_\_\_\_\_\_ **robbery** involves the use of a weapon.
30. A **postmortem** showed that the man had been poisoned. *Explain the meaning of postmortem and provide a synonym*.
31. William Francis Melchert-Dinkel is an example of a person who made multiple Internet **suicide pacts**, in which he falsely promised to hang himself after the other person died by suicide. *Explain the meaning of suicide pact*.
32. Sandra left her child in a hot car for 2 hours. The child died. Sandra was charged with **n\_\_\_\_\_\_\_\_\_\_ homicide**. In other jurisdictions the charge could be **invo\_\_\_\_\_\_\_\_\_\_\_\_\_ manslaughter**.
33. \_\_\_\_\_\_\_\_\_\_ negligence is a heightened degree of negligence representing an extreme departure from the ordinary standard of care.
34. A “crime” is any **act or** \_\_\_\_\_\_\_\_\_\_\_\_\_ in violation of law.
35. What is the traditional difference between an **assault** and **battery**?
36. **Kidnapping** for ransom differs from pathological kidnappings for sexual motives or **family abductions**. *Kidnapping and abduction are often used interchangeably. What is usually meant by family abduction?*
37. **Larceny** is a crime involving the unlawful taking of the personal property of another person or business. *Provide a synonym for larceny*.
38. [Burglary: how can you prevent](https://www.netatmo.com/cs-cz/security-guide/robbery) ***[inostrusni](https://www.netatmo.com/cs-cz/security-guide/robbery)***[\_\_\_\_\_\_\_\_\_\_\_ into your home?](https://www.netatmo.com/cs-cz/security-guide/robbery)
39. What does it mean if you enter a building **as a trespasser**?
40. What does it mean if you are **entrusted with** money?

## **Mens rea, actus reus**

|  |
| --- |
| **Case analysis**: The defendant incorrectly thought he had murdered his victim in Ohio, brought what he thought was her corpse to Kentucky whereupon he decapitated it, an act which turned out to be the actual cause of death.   1. *As a defence lawyer, how could you raise the non-concurrence argument? (think about actus reus and mens rea)* 2. *What could be the prosecution’s counterargument?* |

*Describe a common situation where someone commits an illegal act but does not intend to:*

1. where someone accidentally or unintentionally harms another person.
2. where a person possesses something illegal but either does not know the nature of the substance or does not realize he has it.
3. where someone is acting on a mistaken set of facts.

## **Video: Silk 1**

1. *Who is a QC?*
2. *What does it mean if someone “gets silk” / or becomes a “silk lawyer”?*
3. *If a crime is “aggravated”, what does it mean?*
4. *Assign appropriate roles to individual persons (e.g.: pupil, barrister, solicitor, judge, clerk, prosecutor, …) from left to right:*

|  |  |
| --- | --- |
| 1. Billy ………………….. 2. Kate ………………….. 3. Martha ………………… 4. Nick …………………… 5. Clive ………………….. 6. Niamh : *a new pupil*. | C:\Users\ProBook\Documents\Právnická fakulta\AJ IV\Silk Pict.jpg |

1. *What do you know about the trials that the barristers work on?*

## **Types of crimes**

*Match the offences with their definitions.*

|  |
| --- |
| **arson; counterfeiting; embezzlement; forgery; obtaining property by deception; pickpocketing; receiving stolen property / handling stolen goods; shoplifting; uttering** |

|  |
| --- |
| 1. It is generally associated with making, dealing, or possessing any fake currency, but it also includes imitations of goods and trademarks. In the case of goods, it results in patent infringement or trademark infringement. 2. A crime involving a person with the intent to defraud that knowingly sells, publishes or passes a forged document. 3. A person is guilty of this crime if s/he alters any writing or makes any writing of another person and proclaims it to be the act of the other person who did not actually authorize the act. 4. It is committed when property belonging to another person is dishonestly acquired from that person by deception with the intention of permanently depriving that person of the property. 5. It takes place after a theft or other dishonest acquisition is completed and may be committed by a fence or other person who helps the thief to realise the value of the stolen goods. 6. The [crime](https://dictionary.cambridge.org/dictionary/english/crime) of [intentionally](https://dictionary.cambridge.org/dictionary/english/intend) [starting](https://dictionary.cambridge.org/dictionary/english/starting) a [fire](https://dictionary.cambridge.org/dictionary/english/fire) in [order](https://dictionary.cambridge.org/dictionary/english/order) to [damage](https://dictionary.cambridge.org/dictionary/english/damage) or [destroy](https://dictionary.cambridge.org/dictionary/english/destroy) something, [especially](https://dictionary.cambridge.org/dictionary/english/especially) a [building](https://dictionary.cambridge.org/dictionary/english/building). 7. The crime of secretly taking money that is in your care or that belongs to an organization or business you work for. 8. The [crime](https://dictionary.cambridge.org/dictionary/english/crime) of stealing things out of people's [pockets](https://dictionary.cambridge.org/dictionary/english/pocket) or [bags](https://dictionary.cambridge.org/dictionary/english/bag), [especially](https://dictionary.cambridge.org/dictionary/english/especially) in a [crowd](https://dictionary.cambridge.org/dictionary/english/crowd). 9. The [illegal](https://dictionary.cambridge.org/dictionary/english/illegal) [act](https://dictionary.cambridge.org/dictionary/english/act) of taking [goods](https://dictionary.cambridge.org/dictionary/english/goods) from a [shop](https://dictionary.cambridge.org/dictionary/english/shop) without [paying](https://dictionary.cambridge.org/dictionary/english/pay) for them. |

## **Defences**

*Match the labels with examples of defences.*

1. **Consent**
2. **Duress**
3. **Insanity**
4. **Mistake**
5. **Necessity**
6. **Self-defence**

|  |
| --- |
| 1. During a severe storm, a flood threatens to overwhelm a small town. The floodwaters are rapidly rising, and several homes are at risk of being inundated. To prevent further damage and protect the town, a group of residents decides to break into a nearby warehouse to obtain sandbags and construction materials owned by a local construction company. They intend to use these materials to fortify a makeshift barrier to divert the floodwaters away from the town. |
| 1. Sarah and John agree to a boxing match in their backyard. During the match, Sarah lands a punch that breaks John's nose. Later, John decides to press charges against Sarah for assault. |
| 1. David breaks into his neighbor's house because he genuinely believes that aliens have taken over the neighbor's body and that he must rescue them. He is arrested and charged with burglary. |
| 1. Sarah is abducted by a group of armed criminals who threaten to harm her family if she doesn't assist them as a getaway driver for a bank robbery. Fearing for her family's safety, she complies with their demands and drives the getaway car during the heist. After the criminals are caught, Sarah is arrested and charged as an accomplice. |
| 1. Lisa is shopping in a clothing store and takes a jacket she believes to be hers, but it actually belongs to another customer. She is later accused of theft and arrested. |
| 1. Mark is at a convenience store late at night, and he believes that an individual named Alex, who he has had past conflicts with, poses a threat to him. Mark is armed with a legally owned firearm. When Alex approaches him in the store, a heated argument ensues. Mark, feeling threatened and fearing for his life, draws his firearm and shoots Alex multiple times, causing severe injuries. |

## **Glossary**

|  |  |
| --- | --- |
|  | 1. to accuse someone officially of a crime |
|  | 1. the act or omission that comprise the physical elements of a crime as required by statute |
|  | 1. the mental state of a defendant who is accused of committing a crime*.* |
|  | 1. a judgment or verdict that a person is not guilty of the crime with which they have been charged |
|  | 1. a person who has committed a crime more than once |
|  | 1. a person who assists in, but does not actually participate in, the commission of a crime |
|  | 1. circumstances excluding criminal liability |
|  | 1. being aware of the risk of a particular consequence arising from one's actions but deciding nonetheless to continue with one's actions and take the risk where it is unreasonable to do so |
|  | 1. when an individual commits a criminal act during an emergency situation in order to prevent greater harm. |
|  | 1. a crime less serious than a felony (US) |
|  | 1. an offence that is triable in a magistrates' court (UK) |
|  | 1. a defence that may be available where a defendant is charged with a criminal offence but they acted only because they were threatened with death or serious personal injury |
|  | 1. senior barristers |