



Devotion: 1 Corinthians 1 However, as it is written: “What no eye has seen, what no ear has heard, and what no human mind has conceived” the things God has prepared for those who love him, 10 these are the things God has revealed to us by his Spirit.

The Spirit searches all things, even the deep things of God. 11 For who knows a person’s thoughts except their own spirit within them? In the same way no one knows the thoughts of God except the Spirit of God. 12 What we have received is not the spirit of the world, but the Spirit who is from God, so that we may understand what God has freely given us.

VIDEO: David Goggins – Craziest Interview with Joe Rogin – watch first 6:00 min.

<https://www.youtube.com/watch?v=eIdHyqB-mE0> – How are you choosing to suffer today?

W6 10/11	CJ5 Ch. 3 Criminal Law	The U.S. Constitution, due process, criminal vs. civil law, defining crime/intent, legal defenses	HW3A Extra credit - POST 1. Use the text and 1 article to identify the <i>actus reus</i> , <i>mens rea</i> , and the <i>legal defense</i> used. 2. What other defense might have worked? (250) • Respond to a post (50 words)	POST due 10/10 Respond 10/09
W7 10/04	CJ5 Ch. 4 Law enforcement today	Jurisdiction, federal and local agencies, recruitment, issues in policing.	What <i>benefits/challenges</i> characterize the work and recruitment of smaller law enforcement agencies? VIDEO: Policing in a small town https://www.youtube.com/watch?v=p6J8n_WeThw • Respond to a post (50 words)	POST due 10/12 Response 10/13

LESSON GOAL: *Chapter 3– Inside Criminal Law – Carefully read through “criminal defenses.”*

What are the four sources of U.S. law? What is the process by which they are formed?

1. Constitutional law – Legal structure and distribution of rights for the given legal government
2. Statutory law – Laws established by legislators, federal, state, local
3. Administrative law/ regulations – Laws, established by Executive Administrator or government agencies, i.e. President, governor, mayor, Department of Motor Vehicles, etc.
4. Case law – judicial interpretations of law become *legal precedents* (established meanings of law)

How are laws related to a society’s moral boundaries? Should having multiple wives be legal?

VIDEO: ABC: One Husband Chose by Multiple Wives – 10:31 min.

<http://www.youtube.com/watch?v=vcH3XyobtBw>

1. Argue for legalizing polygamist marriages. Why? Make 2 points
2. Argue against legalizing polygamist marriages. Why? Make 2 points

What is criminal law? ... civil law? What do they accomplish? What is the process?

Civil Law Liability (what does being found guilty mean?)

<p>Criminal Law</p> <ol style="list-style-type: none"> 1. Establishes boundaries of harm <i>codified</i> by society 2. Violations result in fine or curtailment of freedom(restrictions) 3. <i>Victim</i> defended by the government 4. <i>Offender</i> defends self (lawyer) 5. Guilt decided by judge or jury 6. Penalty decided by judge or jury 7. Guilt proof: <i>Beyond reasonable doubt</i>

<p>Civil Law</p> <ol style="list-style-type: none"> 1. Establishes boundaries of harm between individuals/corporations 2. Violations result in restitution (payback in some way) for harm caused. 3. <i>Victim</i> defended by self (lawyers) 4. <i>Offender</i> defends self (lawyer) 5. Decided by judge or jury 6. Penalty decided by judge or jury 7. Guilt proof: <i>Preponderance of proof</i>

VIDEO: O.J. Simpson – Found not guilty of the criminal charges for manslaughter, but guilty of...

<https://www.youtube.com/watch?v=K0GW7R85pQs> – 2:29 min.

Concepts of wrong-doing (harm) as they relate to the law:

- **Mala in se** – acts against *extralegal* cultural/ social ideas, actions considered “wrong,” taboo, such as rudeness, disrespect, etc. This category exists *across societies, may or may not be illegal.*
- **Mala prohibita** – *wrong defined by code* (put into law) defining wrong, violations carry a consequence.
- **Actus reas** – *wrong actions/behavior, harmful, and illegal (can it be proven?)*

- **Mens rea** – wrong *mindset/thinking* which is conscious of harm, and illegal (can it be proven?)

Categories of criminal law:

Misdemeanors: crimes carrying a penalty of fine and/or *less than one year* in jail for *infractions*

Felonies: crimes carrying a penalty of fine and more than one year in jail/prison for *violations*

First degree felony – most serious, punishable from *10 years to life* in imprisonment.

Second degree felony – punishable by *5 – 10 years* imprisonment.

Third degree felony – punishable by *1-5 years* imprisonment

The role of *causation* in establishing a crime (see pg. 59) – what is the required connection?

It must be proven that they are guilty of *actus reas* and *mens rea*. (p. 54-56)

(You should be able to explain these terms clearly, succinctly).

Act – *actus reas* (wrong act) **Intent** – *mens rea* (wrong mind)

Categories of mens rea: It is important to understand the levels of seriousness/guilt for mens rea.

1. Negligence – no knowledge of the harm
2. Recklessness – no caring for possible known harm
3. Involuntary – no prior intent (self-defense, accident) to harm
4. Voluntary – full prior intent to harm
5. Accomplice status – participating, planning or knowing of crime that causes harm

VIDEO: Journalist questions Jamiel Shaw's gang status before murder – 2:11 min.

<https://www.youtube.com/watch?v=Z8RwUXPrils>

Attendant circumstances – evidential-related crime elements

1. What are **attendant circumstances** in criminal law?
2. These *circumstances are present, they support* (but may not prove) *means* and *motive*.
3. What is the role of *concurrency* in determining crime?

VIDEO: Hiring a hitman – what is the level of the crime? – 6:47 min.

<https://www.youtube.com/watch?v=cySFIB3byBA>

How is **harm** related to crime? Must there be harm for there to be a crime?

How are **attendant circumstances** related to levels of crime, for example, hate crimes?

What is an **inchoate** offense? – should it be a crime?

GQ: Which of the following alibi defenses do you suggest for the attempted *hit contracts*?

Explain how *alibis/legal defenses* serve as criminal defenses? Look them up and explain them.

- Age of responsibility
- Mental competence
- Intoxication
- Mistake of law
- Mistake of fact
- Self-defense (duty to retreat)
- Entrapment

Key Constitutional Amendments (establishing rights) related to criminal law?

Fourth Amendment – search and seizure, proper warrants, arrest (content and probable cause)

Fifth Amendment – due process, protection from double jeopardy, self-incrimination (right to silence)

Sixth Amendment – speedy trial, jury of peers, confronting witnesses, lawyering

Eighth Amendment – cruel and unusual punishment, excessive fine and bails

Attributes of law: (The distinctive nature of what they accomplish)

Procedural – addresses the *limits of actions and decisions by law enforcers and courts*

Substantive – addresses the nature and content of *limits on civilian behavior*

Remember: Formation of laws – consensus model or conflict model?