

Chapter 4 Lesson 2

CRIMES AGAINST A PERSON

- Homicide
 - 1st degree Murder
 - Felony Murder
 - 2nd degree Murder
 - Voluntary Manslaughter
 - Involuntary Manslaughter
 - Negligent Homicide
- Assault & Battery
- Stalking
- Sexual Assault
- Rape
 - Statutory Rape
 - Acquaintance Rape
 - Hate Crimes

DEFINITIONS CRIMES AGAINST A PERSON

- Homicide – most serious
 - Criminal is committed with plan or malice, done with intent to kill or seriously harm, acting reckless without regard to others
 - Criminal homicide if: persons actions are without regard for another's life and result in the killing of another
 - Homicide can be non-criminal: excusable or justifiable and is not subject to criminal charges

- 1st degree Murder
 - premeditated, deliberate, with malice
 - depraved indifference to human life

DEFINITIONS CRIMES AGAINST A PERSON

■ Felony Murder

- killing takes place during the commission of certain felonies
- Arson, rape, robbery, burglary
- no need to prove intent, malice assumed because homicide occurred during a felony act

■ 2nd degree Murder

- without premeditation or deliberation
- intent existed at moment of murder/killing
- intentional but spontaneous

■ Voluntary Manslaughter

- victim has done something to cause a reasonable person to lose self-control or act rashly
- violent argument
- occur just after the provocation
- punished less severely

DEFINITIONS CRIMES AGAINST A PERSON

- Involuntary Manslaughter
 - no intent
 - result of reckless conduct causing extreme danger of death or bodily injury
 - ie: playing with loaded gun
- Negligent Homicide
 - failure to exercise reasonable or ordinary care
 - vehicle deaths are most common
- Suicide
 - considered a plea for help
 - psych exam and treatment
 - helping can be murder or manslaughter

DEFINITIONS CRIMES AGAINST A PERSON

- Assault & Battery
 - assault – attempt or threat to physically attack
 - battery – unlawful physical contact
 - no injury necessary
 - must intend bodily harm
 - states have statutes for different classifications
 - assault with intent to rob, murder
 - battery defined by harm inflicted
- Stalking
 - repeatedly following or harassing
 - make threats/cause fear

DEFINITIONS CRIMES AGAINST A PERSON

- Sexual Assault
 - includes rape and attempted rape
 - verbal threats of a sexual nature
 - unwanted sexual contact/grabbing, fondling
- Rape
 - sexual intercourse without consent
 - no consent if person is unconscious, mentally incompetent, impaired by drugs or alcohol
- Statutory Rape
 - sexual intercourse between an adult and minor
 - lack of consent is not an element since a minor is incapable of giving legal consent
 - trend is to protect victims
 - “rape shield” past history not allowed

DEFINITIONS CRIMES AGAINST A PERSON

- Acquaintance Rape – parties know each other

- Hate Crimes
 - 1969 statute covered
 - Race
 - Color
 - Religion
 - National origin
 - Amended 2009 to include
 - Disability
 - Sexual Orientation
 - Gender
 - Gender Identity

BUSINESS-RELATED CRIMES

- Larceny
- Receiving stolen property
- False pretenses
- Forgery
- Bribery
- Computer crime
- Extortion
- Conspiracy
- Arson

DEFINITIONS OF BUSINESS RELATED CRIMES

- Larceny – wrongful taking of money or personal property belonging to someone else.
 - Robbery – taking of property from *another's person or immediate presence*, against the victim's will, by force or causing fear
 - Burglary is another variation, *entering a building without permission*
- Receiving Stolen Property – knowingly receiving or buying
- False Pretenses – obtain money or property by lying
- Forgery – falsely making or materially altering a writing to defraud another
- Bribery – unlawfully offering or giving to a governmental official anything of value to influence performance

DEFINITIONS OF BUSINESS RELATED CRIMES

- Extortion - blackmail
- Conspiracy – agreement between two or more persons to commit a crime
- Arson – willful and illegal burning of a building
- Selling and Buying Narcotics
- Computer Crime- crimes committed on the computer

PRELIMINARY CRIMES

- **Solicitation**

~ to ask, command, urge, or advise another to commit a crime

- **Attempt**

~ perform all the elements of a crime but fail to achieve the criminal result

- **Conspiracy**

~ agreement between two or more persons to commit a crime

PARTIES TO A CRIME

- **Principal**
 - ~ person who commits the crime

- **Accomplice**
 - ~ someone who helps the principal commit a crime
- **Accessory before the fact**
 - ~ person who orders a crime or helps the principal commit the crime but who is not present during the crime
 - ~ can usually be charged with the same crime as the principal
- **Accessory after the fact**
 - ~ someone knowing a crime has been committed, helps the principal or an accomplice avoid capture or helps them escape