

Criminal Law Definitions Assignment

The purpose of the definitions assignment is to move students beyond mere familiarity with legal terminology, to understanding what the terms mean. There are two parts to the assignment:

First, students must give a definition or rule of law for each term. The definition need not be in a student's own words. Any reliable legal source may be used, such as *Black's Law Dictionary*, *Clancey's Outlaw*, commercial law outlines, etc. so long as the definition is correct, concise, and includes all necessary elements. We do not recommend Wikipedia, websites containing other law students' work, or similar sources, as the information may not be accurate.

Second, in their own words students must provide either: 1) a short hypothetical which shows understanding of the term by illustrating or providing an example of its usage; or 2) a further explanation of detailed information concerning the term. It is not sufficient to simply restate the rule provided in part one in one's own words — an illustration or additional information that demonstrates an understanding of the term or rule must be included.

1. **Actus Reus:** The overt or physical act that, together with the *mens rea*, constitutes the elements of the crime.

Example: For larceny, the *actus reus* would occur when Joe picks up Nancy's wallet and walks away with it.

2. **Mens Rea:** The guilty mind or wrongful intent that, together with the *actus reus*, constitutes the elements of the crime.

Example: For larceny, the *mens rea* would be Joe's wrongful intent to steal Nancy's wallet; that is, his intent to permanently deprive Nancy of her wallet.

3. **Malum in Se:** A crime or act that is inherently immoral.

Example: Murder is a *malum in se* crime because even without a statute preventing it, committing a murder is immoral.

4. **Malum Prohibitum:** An act that is a crime merely because it is prohibited by statute, although the act itself is not necessarily immoral.

Example: Running a stop sign is a *malum prohibitum* act because it isn't inherently immoral. The purpose of the statute is just to keep traffic moving safely and efficiently.

5. **Felony:** A felony, in most jurisdictions, is a crime that is punishable by death or by a sentence of more than one year even though the sentence actually imposed is one year or less. However, in some states, a crime is a felony if the sentence is to be served in a state prison, as opposed to a county or city jail.

Example: Bob was convicted of a felony for robbing Martha of her purse even though he was only given six months in jail, if the crime carries a penalty of six months to two years in his jurisdiction.

6. **Misdemeanor:** Any crime that is not a felony.

Further Information: There are also infractions, which are even lesser crimes that usually result in a citation rather than an arrest. But a misdemeanor is generally any crime that carries a maximum potential sentence of less than a year.

Terms to be Used for the Criminal Law Definitions Assignment:

1. *actus reus*
2. *mens rea*
3. *malum in se*
4. *malum prohibitum*
5. felony
6. misdemeanor
7. the corpus delicti
8. Intended Results Doctrine
9. Doctrine of Contributory Causes
10. homicide
11. murder
12. first degree murder
13. second degree murder
14. manslaughter
15. voluntary manslaughter
16. involuntary manslaughter
17. malice aforethought
18. willful
19. deliberation
20. premeditation
21. actual cause or cause in fact
22. proximate cause
23. assault
24. battery
25. false imprisonment
26. kidnapping
27. rape
28. statutory rape
29. sodomy
30. mayhem
31. burglary
32. statutory burglary
33. arson
34. statutory arson
35. larceny
36. larceny by trick or deceit
37. obtaining property by false pretenses
38. embezzlement
39. robbery
40. receiving stolen property
41. forgery
42. uttering
43. extortion
44. blackmail
45. misprision of felony
46. compounding the crime
47. perjury
48. subornation of perjury
49. embracery
50. bribery
51. breach of peace
52. affray

53. unlawful assembly
54. rout
55. riot
56. solicitation
57. attempt
58. conspiracy
59. accessory
60. principal in the first degree
61. principal in the second degree
62. constructive presence
63. accessory after the fact
64. M'Naghten Rule or the Right vs. Wrong Test of insanity
65. insane delusion
66. Irresistible Impulse Test
67. Substantial Capacity Test or Model Penal Code Test
68. Durham Rule
69. Diminished Capacity Test
70. self defense
71. defense of others
72. defense of property
73. defense of prevention of a crime
74. defense of privilege of public authority
75. defense of mistake of fact
76. defense of mistake of law
77. defense of entrapment
78. defense of unconsciousness
79. defense of infancy
80. defense of intoxication