

## Criminal Law Outline

- I. Introduction
  - A. Distinction b/w criminal & civil sanction is the judgement of community condemnation which accompanies and justifies its imposition.
  - B. Crime: Conduct which, if duly shown to have taken place, will incur a formal and solemn pronouncement of the moral condemnation of the community for which punishment is authorized by law.
  - C. Punishment: Community condemnation & unpleasant physical consequences.
  - D. In every state & the federal system, legislators, rather than judges, exercise primary responsibility for defining criminal conduct and for devising the rules for criminal responsibility.
    - 1. 4 conditions of a general direction
      - a. Primary addressee who is supposed to conform his conduct to the direction must know (1) of its existence & (2) of its content in relevant respects.
      - b. He must know about the circumstances of fact which make the abstract terms of the direction applicable in the particular instance.
      - c. He must be able to comply w/it, AND
      - d. He must be willing to do so.
  - E. Problems w/ criminal codes
    - 1. Not all common law crimes & defenses were codified, difficult to determine whether gaps were intended or inadvertent.
    - 2. Many statutory systems were silent re: essential penal doctrines
    - 3. Criminal codes typically included overlapping, even conflicting, penal statutes
    - 4. Many codes applied internally inconsistent penological principles.
  - F. Pretrial
    - 1. Criminal process begins when alleged crime is reported to the police.
      - a. Not always an arrest b/c of insufficient evidence or low priority of investigation (must have "probable cause": a substantial chance that the suspect committed the offense under the investigation.
    - 2. Arrest
      - Preliminary hearing w/in 2 weeks after arrest at which a judge must determine whether the arrest was justified. If yes, then-