

EXAM 1 STUDY GUIDE CRIMINAL LAW

Chapter 1: Fundamentals of Criminal Law and Procedure

What is Criminal Law?

- Formal means of social control
- That branch of law prohibiting certain forms of conduct and imposing penalties on those who engage in prohibited behavior
- Core function is to punish wrongdoers

Substantive Law

- Prohibits certain forms of conduct by defining crimes and establishing the parameters of penalties
 - Possession of heroin, drunk driving i.e.

Procedural Law

- Regulates enforcement of the substantive law, the determination of guilt, and the punishment of those found guilty of crimes
 - Trial procedures, sentencing

3 Fundamental Principles

1. *Constitutional Supremacy*: criminal law and procedure is subordinate to the U.S Constitution
2. *Federalism*: division between the national government and the 50 states
3. *Separation of Powers*: the federal government and the states have separate/legislative, executive, and judicial branches

What is a Crime?

- Actus Reus or "wrongful act"
- Mens rea or "criminal intent"
 - Not the same as motive "guilty mind"
 - Having formed a mental purpose to act
 - Intentionally committed a prohibited act
 - Exceptions
- Felonies
 - More serious crimes
 - Imprisonment for more than 1 year
- Misdemeanors
 - Less serious
 - Imprisonment for less than 1 year

ND Classifications of Crime (N.D.C.C. 12-1-32-01)

- Class AA felony - max life without parole
- Class A felony - max of 20 years and/or \$20,000 fine
- Class B felony - max of 10 years and/or \$10,000 fine
- Class C felony - max of 5 years and/or \$10,000 fine
- Class A misdemeanor - max of 1 year or fine of \$3,000
- Class B misdemeanor - max of 30 days or fine of \$1,500
- Infraction - max fine of \$1,000

Law School Exam Study Guide

Sabine Zange



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Table of Contents Law School Exam Study Guide

1. Understanding the eBook Law School Exam Study Guide
 - The Rise of Digital Reading Law School Exam Study Guide
 - Advantages of eBooks Over Traditional Books
2. Identifying Law School Exam Study Guide
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Law School Exam Study Guide
 - User-Friendly Interface
4. Exploring eBook Recommendations from Law School Exam Study Guide
 - Personalized Recommendations
 - Law School Exam Study Guide User Reviews and Ratings

- Law School Exam Study Guide and Bestseller Lists
- 5. Accessing Law School Exam Study Guide Free and Paid eBooks
 - Law School Exam Study Guide Public Domain eBooks
 - Law School Exam Study Guide eBook Subscription Services
 - Law School Exam Study Guide Budget-Friendly Options
- 6. Navigating Law School Exam Study Guide eBook Formats
 - ePub, PDF, MOBI, and More
 - Law School Exam Study Guide Compatibility with Devices
 - Law School Exam Study Guide Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Law School Exam Study Guide
 - Highlighting and Note-Taking Law School Exam Study Guide
 - Interactive Elements Law School Exam Study Guide
- 8. Staying Engaged with Law School Exam Study Guide
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Law School Exam Study Guide
- 9. Balancing eBooks and Physical Books Law School Exam Study Guide
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Law School Exam Study Guide
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Law School Exam Study Guide
 - Setting Reading Goals Law School Exam Study Guide
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Law School Exam Study Guide
 - Fact-Checking eBook Content of Law School Exam Study Guide
 - Distinguishing Credible Sources

13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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