

# Criminal law

[Law](#), [Criminology](#)



Criminal law addresses the government's prosecution of individuals who have committed an act classified as a crime. Federal, state, and local governments categorize crime and prosecute criminals. This is the nature and purpose of law. Without laws, people wouldn't know what to do. The rule of law is the belief that an orderly society must be governed by established principles (laws) and applied fairly to all of its members (basically stating that no one is above the law). For example, if the President decided that he wanted to rob a bank, he would be punished just like everyone else.

There are five types of law: criminal law, civil law, administrative law, case law, and procedural law. Civil law is the branch of modern law that governs relationships between parties. Procedural law is the part of the law that specifies the methods to be used in enforcing substantive law.

Administrative law is the body of regulations that governments create to control the activities of industry, business, and people. Case law is a legal principle that ensures that previous judicial decisions are authoritatively considered and incorporated into future cases.

General categories of crime include: felonies, misdemeanors, offenses, treason and espionage, and inchoate offenses. Felonies are serious crimes (murder, rape, robbery, etc. ) they are punishable by death or by being imprisoned for at least a year. Misdemeanors are minor crimes like petty theft (theft of items of little value), simple assault, etc. They are punishable by a year in prison or less, or by a fine or community service. Offenses (also known as infractions) are less serious than misdemeanors like jaywalking, littering, not putting on a seatbelt, etc.

They are punishable by a fine. Treason is a U. S. citizen's actions to help a foreign government overthrow, make war against, or seriously injure the U. S. Espionage, similar to treason is an offense that can be committed by noncitizens to help injure the U. S. An inchoate offense is an offense not yet completed (for example, conspiracy). When a person is charged with a crime, they usually offer a defense. A defense is evidence or arguments from the accused about why they should not be charged with a crime. There are four categories of defense: 1) alibi, 2) justifications, 3) excuses, and 4) procedural defenses. An alibi (if it can be verified) shows that the person couldn't have done the crime because they were somewhere else or with someone else at that time. A justification (like self-defense) means the person admitted to the crime but said it was necessary to prevent something worse from happening. When the accused person offers an excuse, they're saying that some personal condition (like being drunk) or circumstance (like just being fired) at the time influenced them, and they shouldn't be punished.

Procedural defense claims that the accused was discriminated against in the justice process or some important procedure was not properly followed in the investigation or prosecution of the crime charged. There is also a cultural defense which is a defense in which the defendant's culture is taken into account in judging his or her culpability. Courts rarely allow this defense, but exceptions are made when groups are able to argue that their religious and cultural rights have been violated.

The M' Naghten rule (a rule for determining insanity) says that a person is not guilty of a crime if at the time of the crime the person didn't know what they were doing or that what they were doing was wrong. Guilty but mentally ill is a verdict that states that a person can be held responsible for a criminal act even though a degree of mental illness is present. A judge can impose any sentence possible for the crime. Usually mandated psychiatric treatment is part of the sentence. Once cured, the defendant is put in general population to serve any remaining sentence. Temporary insanity is another defense.

It means that the accused person claims to have only been insane at the time of the crime. If the jury agrees, the accused can go free. There are consequences to an insanity ruling however; the judge may order the defendant to undergo psychiatric treatment until cured. Since most psychiatrists are reluctant to let patients out, the defendant might stay there longer than they would've been in prison. Diminished capacity is a defense meaning the defendant may have a significantly impaired ability to understand the wrongfulness of the crime and to use reason or control behavior that the defendant knows is wrong.

Incompetent to stand trial means as a result of mental illness, defect, or disability, the defendant cannot understand the nature of the charges and proceedings against him or her, of consulting with an attorney, and with aiding in his or her own defense. There are seven types of procedural defenses: entrapment, double jeopardy, collateral estoppel, selective prosecution, denial of a speedy trial, prosecutorial misconduct, and police

fraud. Entrapment is an improper or illegal inducement to crime by enforcement agents. Double jeopardy is a common law stating a defendant cannot be tried twice for the same crime.

You can read also *King v Cogdon*

Collateral estoppel is like double jeopardy but it applies to facts that have been determined by a valid and final judgment. Selective prosecution is based on the 14th amendment's guarantee of "equal protection of the laws." Denial of a speedy trial is pretty much self-explanatory. Prosecutorial misconduct describes actions taken by prosecutors that give the government an unfair advantage or that prejudice the rights of a defendant or witness. When they knowingly permit false testimony or hide information that would help the defense, is prosecutorial misconduct.

Police fraud suggests that evidence against a defendant had been made or planted by a police officer because of a general dislike for the defendant. All crimes are said to share certain features that, taken together make up the essence of crime: the criminal act (or actus reus), a culpable mental state (or mens rea), and a concurrence of the two. There are also five additional principles that allow us to really understand crime: 1) causation, 2) a resulting harm, 3) the principle of legality, 4) the principle of punishment, and 5) necessary attendant circumstances. All of this makes up criminal law as we know it today.