

# [Learning domain 5](https://assignbuster.com/learning-domain-5/)

Constitutional LawRules and provisions found in Federal and State ConstitutionsStatutory LawsWritten laws enacted by a legislative body. ONLEARNING DOMAIN 5 SPECIFICALLY FOR YOUFOR ONLY$13. 90/PAGEOrder NowEx post facto lawsLaws created after the fact to punish an action that has already been taken place that was not previously illegal. What is Case Law? Interpretations of the constitution, or clarification of statues made by appellate court decisions that are binding to lower courts. What is Judicial Review? A limited power which allows both state and federal legislative branches declare certain behavior to be criminal and punishable by law. What is the Letter of the Law? The enforcement of the law to be applied by the literal meaning of the statute, leaving no room for interpretation. What is the Spirit of the Law? The Law is applied in accordance with the intent of the legislature, the promotion of fairness and justice. Not solely a literal compliance with the words of the statute. Criminal LawViolation of the criminal statutes; public wrongs against all the people in the State of California. Civil LawNoncriminal violations of the law; private wrongs committed by one person against another. What is meant by redress? To right a wrongWhat are some punishments for a crime? Death, imprisonment, fine, removal from office. What are Elements of the crime? Basic facts that must be proven by prosecution to sustain a conviction. What is Criminal Intent? A presence of a designated state of mind that must be present to distinguish a crime from an accident or mistake of fact. General Intent CrimesCrimes which intent is presumed and does not have to be proven, i. e. battery, arson, transportation of drugs or ex-felon in possession of firearm. Specific Intent CrimesCrimes which intent is an element of the crime that must be proven, i. e. burglary, or kidnapping. Transferred IntentUnlawful acts that affect a person other than, or in addition to, the intended person to affect. Criminal NegligenceCan meet the requirement for criminal intent; a negligent act that is aggravated or reckless and constitutes indifference to the consequences. FelonyA crime punishable by a fine and/or imprisonment in state prison, death, or removal from office. MisdemeanorLesser gravity than a felony; punishable by a fine and/or imprisonment in county jail. WobblerA crime that can be either a felony or misdemeanor; Punishable by a fine and/or imprisonment in a county jail or state prison. NOTE: for test purposes, answer all Wobblers as Felonies. InfractionA public offense punishable by a fine. What is a Principal? All person involved, aided and abetted, or advised and encouraged, in a commission of a felony or misdemeanor. What is an Accessory? Any person whom after a felony has been committed has: -Knowledge that the principal has committed a felony
-Harbors/conceals/aids a principal in a felony
-Has the intention of assisting the principal to avoid arrest, trial, conviction, or punishment. What is Aiding and Abetting? When a person assists, supports, promotes, encourages, strengthens, or instigates by act or advice in commission of an offense. What is an Accomplice? When a person testifies for the prosecution against another principal. What persons are not capable of forming a state of mind to commit a crime?-Children under 14
-Persons mentally incapacitated
-Persons who committed the act under ignorance or mistake of fact, misfortune or accident, under threat of menace.