

Learning domain 5



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Constitutional Law Rules and provisions found in Federal and State

Constitutions Statutory Laws Written laws enacted by a legislative body.

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Now Ex post facto laws Laws 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 statutes 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 Law Violation of the

criminal statutes; public wrongs against all the people in the State of

California. Civil Law Noncriminal violations of the law; private wrongs

committed by one person against another. What is meant by redress? To

right a wrong What 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

Crimes Crimes 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 Crimes Crimes which intent is an element of the crime that

must be proven, i. e. burglary, or kidnapping. Transferred Intent Unlawful acts

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that affect a person other than, or in addition to, the intended person to affect. Criminal Negligence Can meet the requirement for criminal intent; a negligent act that is aggravated or reckless and constitutes indifference to the consequences. Felony A crime punishable by a fine and/or imprisonment in state prison, death, or removal from office. Misdemeanor Lesser gravity than a felony; punishable by a fine and/or imprisonment in county jail.

Wobbler A 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.

Infraction A 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.