

Criminal Justice *in* America

EIGHTH EDITION



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Criminal Justice and the Rule of Law

MENTAL PROBLEMS AND MASS SHOOTINGS

- On July 20, 2012, dressed like the “Joker,” 24-year old James Holmes entered the midnight showing of the movie *Batman: The Dark Night Rises*, pointed his guns at the audience, and began to fire rapidly. When the shooting ended, 12 people were dead, and more than 40 were wounded. He was described as being calm and matter-of-fact at the scene even when revealing that he had rigged his apartment with explosive
- Did mental problems lead Holmes to commit his murderous acts?



LEARNING OBJECTIVES

- LO1 - Identify the bases and sources of American criminal law.
- LO2 - Discuss how substantive criminal law defines a crime and the legal responsibility of the accused.
- LO3 - Describe how procedural criminal law defines the rights of the accused and the processes for dealing with a case.
- LO4 - Explain the U. S. Supreme Court's role in interpreting the criminal justice amendments to the Constitution.

FOUNDATIONS OF CRIMINAL LAW

- **Civil law**
 - Laws regulating the relationships between or among individuals, usually involving property, contracts, or business disputes
- **Substantive criminal law**
 - Defines acts that the government can punish and defines the punishments for those crimes
- **Procedural criminal law**
 - Law defining the procedures that criminal justice officials must follow in enforcement, adjudication, and corrections.

DEFINITIONS AND CLASSIFICATIONS OF CRIMINAL LAWS

- Each state and the federal government define crimes differently, but typically offenses are broken down into one of three categories:
 - Felonies
 - Punishment can be incarceration for year or more in prison
 - Misdemeanors
 - Punishment can be year or less in county jail
 - Civil infractions
 - Punishable only by fines and do not result in arrest or criminal record

ELEMENTS OF A CRIME

- Three factors that are elements of a crime
 - The act
 - The attendant circumstances
 - The state of mind, or intent
- Inchoate crimes of attempt and conspiracy involve intentions for harm that are never carried out



SEVEN PRINCIPLES OF CRIMINAL LAW

- **Legality**
 - Must be a law that defines an act as a crime
- **Actus reus**
 - Must be a human act of either commission or omission
- **Causation**
 - Must be a causal relationship between the act and the harm suffered
- **Harm**
 - Act (or failure to act) must cause harm to some legally protected value

SEVEN PRINCIPLES OF CRIMINAL LAW

- **Concurrence**

- Intent and act must be present at same time

- **Mens rea**

- Act must be accompanied by a guilty mind (related to intent)
- Some crimes lack the guilty mind elements; they are called strict liability offenses (ex: statutory rape)

- **Punishment**

- Must be a provision in the law that calls for punishment of those found guilty of violating a law

DEFENSES USED TO CHALLENGE CRIMINAL INTENT

- Self-defense
- Necessity
- Entrapment
- Duress
- Mistake of fact
- Intoxication
- Insanity

JUSTIFICATION DEFENSES

- Focus on whether the individual's criminal action was socially acceptable under the circumstances
 - Self-defense
 - Person who feels in immediate danger of being harmed by another person may ward off attack in self-defense
 - Level of force cannot exceed person's reasonable perception of the threat
 - Necessity
 - Used when people break the law in order to save themselves or prevent some greater harm

EXCUSE DEFENSES

- Focus on the actor and whether the person possessed the knowledge or intent needed for a criminal conviction
 - Duress (coercion)
 - Someone commits a crime after being coerced by another
 - Usually requires the person to have tried to escape from the situation
 - Entrapment
 - Government agents induced a person to commit the offense
 - Key question is the predisposition of the defendant

EXCUSE DEFENSES

- **Infancy**

- Common law presumed that between 7-14 children are not liable because they do not yet understand consequences of their actions
- In 1990s, because of concerns regarding violent crime committed by young people, it has become increasingly common for children to be tried as adults

- **Mistake of fact**

- Ignorance of the law is no excuse, but a mistake regarding a crucial fact may be a defense

- **Intoxication**

- Intoxication must be involuntary

AGE AS A DEFENSE

- In 2011, two Indiana boys pleaded guilty in the shooting death of the older boy's stepfather. The 15-year old received a 30 year sentence and the 12-year old received 25 years. In 2013, a Virginia teen was sentenced to 38 years for a murder committed when he was 15.
- Were these teens old enough to plan their crimes and understand the consequences? Is a child capable of forming the same intent as an adult?

EXCUSE DEFENSES

- Insanity – subject of heated debate
- Four states no longer permit the defense
- U. S. courts have five tests of criminal responsibility for insanity
 - M’Naghten Rule
 - Irrestible Impulse Test
 - Durham Rule
 - Model Penal Code’s Substantive Capacity Test
 - Test defined in Comprehensive Crime Control Act of 1984

M'NAGHTEN RULE

- Developed in England in 1843 and used by more than 12 states
- “Right from wrong” test
 - At the time of committing the act, the accused was laboring under such a defect of reason from disease of the mind, as not to know the nature and quality of the act and he was doing, or if he did know it, he did not know what he was doing was wrong

MODEL PENAL CODE

- Over half the states and the federal government use this test which was developed in the early 1970s
 - “If at the time of such conduct as a result of mental disease or defect, he lacks a substantial capacity either to appreciate the criminality of his conduct or to conform his conduct to the requirements of the law.”

PROCEDURAL CRIMINAL LAW

- Defines how the state must process cases
- Procedural criminal law is defined by courts through judicial rulings unlike substantive criminal law is defined by legislators through statutes.
- U. S. Supreme Court has played a major role in defining procedural criminal law.

BILL OF RIGHTS

- Procedural law is shaped by four of the 10 amendments known as the Bill of Rights, as well as the 14th Amendment.
 - Fourth
 - Fifth
 - Sixth
 - Eighth

FOURTEENTH AMENDMENT

- Created after the Civil War to protect people's right to due process of law
- In early cases, Supreme Court operated under the fundamental fairness doctrine, which basically meant that the Constitution had not been violated as long as the state's conduct maintains basic standards of fairness

DUE PROCESS REVOLUTION

- Beginning in the 1960s, Chief Justice Earl Warren (the Warren Court Era) began the process of incorporation
 - Extension of the due process clause of the 14th Amendment to make binding on the states the right guaranteed in the Bill of Rights
- Critics of these decisions believed that they made the community more vulnerable and gave too many legal protections to criminals

FOURTH AMENDMENT

- Protects people against unreasonable searches and seizures
 - Limits the ability of law enforcement to search a person or property in order to obtain evidence
 - Limits the ability of police to detain a person without proper justification



FIFTH AMENDMENT

- **Outlines basic due process rights in criminal cases**
 - Protection against compelled self-incrimination
 - Protects against double jeopardy, or the prosecution of the same crime twice
 - Entitlement to indictment by grand jury before being prosecuted
 - Citizens from the community that hear evidence and determine whether enough exists to charge a defendant
 - Applies only in federal court
 - One of the few rights the Supreme Court has not applied to the states

SIXTH AMENDMENT

- Provisions dealing with fairness in a criminal trial
 - Right to counsel
 - Gideon v. Wainwright (1963) - Supreme Court made right to counsel binding on states
 - Right to a speedy and public trial
 - Right to an impartial jury

EIGHTH AMENDMENT

- Rights of the defendant during pretrial and correctional phases
 - Prohibits excessive bail
 - Prohibits excessive fines
 - Prohibits cruel and unusual punishment
 - Trop v. Dulles (1958)
 - Lockyer v. Andrade (2003)
 - Graham v. Florida (2010)
 - Miller v. Alabama (2012)



QUESTION FOR DISCUSSION

- Suppose four individuals planned to rob a bank. It was supposed to be a quick in-and-out robbery. One person was a driver, and one was a watchman. Both stayed outside the entire time. The other two went into the bank, and one was watching the patrons, while the other went to the teller window. He got nervous, and shot and killed the teller. All were convicted of the murder and robbery and received life without possibility of parole.
- Is it a violation of the 8th Amendment's prohibition against cruel and unusual punishment for the outside driver and watchman to receive the same punishment as the individual who actually killed the teller, especially when they had all agreed that there would be no violence?