

ASSAULT

The intentional creation of a reasonable apprehension of immediate physical harm in another.

BATTERY

The intentional offensive or harmful application of force to another.

SOLICITATION

The asking of another to commit a criminal act with the intent of committing the criminal act.

CONSPIRACY

An agreement between two or more individuals to commit a criminal act. Many jurisdictions require an overt act.

ACCOMPLICE LIABILITY

That all those who conspire or aid one committing a crime, with knowledge of the crime, will incur similar liability as the principal including all foreseeable crimes within the scope of the conspiracy

ATTEMPT

An act made with specific intent which is a substantial step beyond mere preparation in the direction of completing a crime.

LARCENY

The trespassory taking and carrying away of the property of another with the intent to permanently deprive.

LARCENY BY TRICK

The fraudulent obtaining and carrying away of the property of another with the intent to permanently deprive.

EMBEZZLEMENT

The fraudulent conversion of the lawfully entrusted property of another.

OBTAINING BY FALSE PRETENSES

Obtaining the property of another with a false statement made with the intent to defraud.

RECEIVING STOLEN PROPERTY

The intentional receiving of stolen property with the knowledge that it is stolen.

EXTORTION/BLACKMAIL

The fraudulent obtaining of property through threat of future harm.

FALSE IMPRISONMENT

The intentional confinement of another against their will.

KIDNAPPING

The intentional movement or concealment of another against their will.

ARSON

The malicious burning of the dwelling house of another. Under Statutory Law it is the burning of any structure.

BURGLARY

The breaking and entering into the dwelling of another at nighttime with the intent of committing a felony therein. Statutory Burglary is the breaking and entering into any structure of another with the intent of committing a felony or any theft crime

ROBBERY

The trespassory taking and carrying away of the property of another from their person through the use of force or intimidation with the intent to permanently deprive.

RAPE

Sexual intercourse with a woman without her consent. Statutory rape is sexual intercourse with a consenting female under the age of consent.

HOMICIDE

The unlawful killing of another.

COMMON LAW/2ND DEGREE MURDER

Homicide committed with malice aforethought. All murders which are not 1st degree are common law/2nd degree murder.

MALICE AFORETHOUGHT

Malice aforethought is classified as an intent to kill, an intent to commit serious bodily harm, a wanton disregard for human life or through the application of the Felony Murder Rule, where the death was foreseeable, the killing was distinct from defendant's underlying felony, the defendant is guilty of the underlying felony and the defendant had not yet reached a point of temporary safety.

1ST DEGREE MURDER

Murder committed with premeditation and deliberation or through application of the Felony Murder Rule if the felony committed was one of the enumerated felonies of Robbery, Kidnapping, Burglary, Rape or Arson.

VOLUNTARY MANSLAUGHTER

Murder committed within the heat of passion, which would include an adequate provocation, circumstances which would cause a reasonable person to lose self control and no cooling off period. Mitigates a murder charge to manslaughter.

INVOLUNTARY MANSLAUGHTER

A homicide resulting from criminal negligence, a misdemeanor or one of the unenumerated felonies.

WRITING MURDER

HOMICIDE

The unlawful killing of another

COMMON LAW/2ND DEGREE MURDER

Homicide committed with malice aforethought. All murders which are not 1st degree are common law/2nd degree murder.

ACTUS REUS

The “guilty act” of the crime.

MENS REA

The “guilty mind” of the crime.

ACTUAL CAUSE

The “but for” cause of the crime.

PROXIMATE CAUSE

The act which naturally and foreseeably resulted in the homicide, independent any independent, intervening forces.

MALICE AFORETHOUGHT

Malice aforethought is classified as an intent to kill, an intent to commit serious bodily harm, a wanton disregard for human life or through the application of the Felony Murder Rule, where the death was

foreseeable, the killing was distinct from defendant's underlying felony, the defendant is guilty of the underlying felony and the defendant had not yet reached a point of temporary safety.

1ST DEGREE MURDER

Murder committed with premeditation and deliberation or through application of the Felony Murder Rule if the felony committed was one of the enumerated felonies of Robbery, Kidnapping, Burglary, Rape or Arson.

PREMEDITATION

The planning of the killing by the defendant.

DELIBERATION

The killing in a cool and calm, collected manner by the defendant.

ENUMERATED FELONY MURDER

If the defendant is guilty of felony murder and the felony was one of the enumerated felonies of robbery, kidnapping, burglary, rape or arson.

VOLUNTARY MANSLAUGHTER

Murder committed within the heat of passion, which would include an adequate provocation, circumstances which would cause a reasonable person to lose self control and no cooling off period.

Mitigates a murder charge to manslaughter.