

# Person

## Criminal Homicide

### Murder

- First degree

Remember the preliminary crimes

- Second degree

### Manslaughter

- Voluntary
- Involuntary

## Other

### Assault

### Battery

- Rape
- Mayhem
- Also note assault, rape, FI, kidnaping

### False imprisonment / kidnaping

# Murder supplemental

## Homicide

### D's act

- Vicarious liability
- Accomplice
- Felony murder
- Intervening act and proximate cause
- Omission to act

## Degrees of Murder

### First degree

- Felony murder
- Enumerated crimes
- Premeditated and deliberate intent to kill

## Malice

### Intent to kill

### Intent to injure

### Wanton conduct

### Felony Murder

- Inherently dangerous act (malem in se)
- Perpetration: intent, commission, flight
- Vicarious liability / proximate cause

### If malice, then consider

- Justification --> no criminal liability
  - Prevention of a crime, eg apprehension of a fleeing felon
  - Defense of self or others
  - Reasonable mistake
- Excuse --> no criminal liability
  - Youth
  - Mental illness
    - M'Naughten
    - MPC / ALI
    - Durham test
  - Intoxication
- Mitigation --> murder reduced to vol mansl
  - Good faith mistake
  - Provocation: anger
    - Reasonableness
    - No cooling off period
  - Coercion / necessity

### If no malice, but D's act still causes death

- Intent to injure is slight
- Criminal/gross negligence
- Malem in se (inherently dangerous)
- If any of these three, you have involuntary manslaughter

Malice	No Malice
Murder	Invol mansl
Vol mansl	No crime

# Crimes Against Property

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graph TD; A[Crimes Against Property] --> B[Theft]; A --> C[Structures]
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## Theft

(Requires a taking)

### Larceny

- Extortion
- Robbery

### Taking delivery

- Embezzlement
- Larceny by trick
- False pretenses

## Structures

(Require entering or burning)

### Burglary

- Trespassory breaking and entering
- Protected structure
- Intent to commit felony within

Remember the preliminary crimes

### Arson

Remember the preliminary crimes

- Burning
- Protected structure
- Malice

# Intent to Steal Mystery Box

At what point in time is intent established?

	Now	Later
Custody	Larceny	Larceny
Possession	Larceny by trick	Embezzlement
Title	False pretenses	No crime

# Preliminary Crimes

## Solicitation

asking

## Conspiracy

agreement (act?)

Wharton rule

Two guilty minds

## Attempt

zone of perpetration

## Vicarious liability

Merger

Withdrawal

Impossibility (factual or legal)