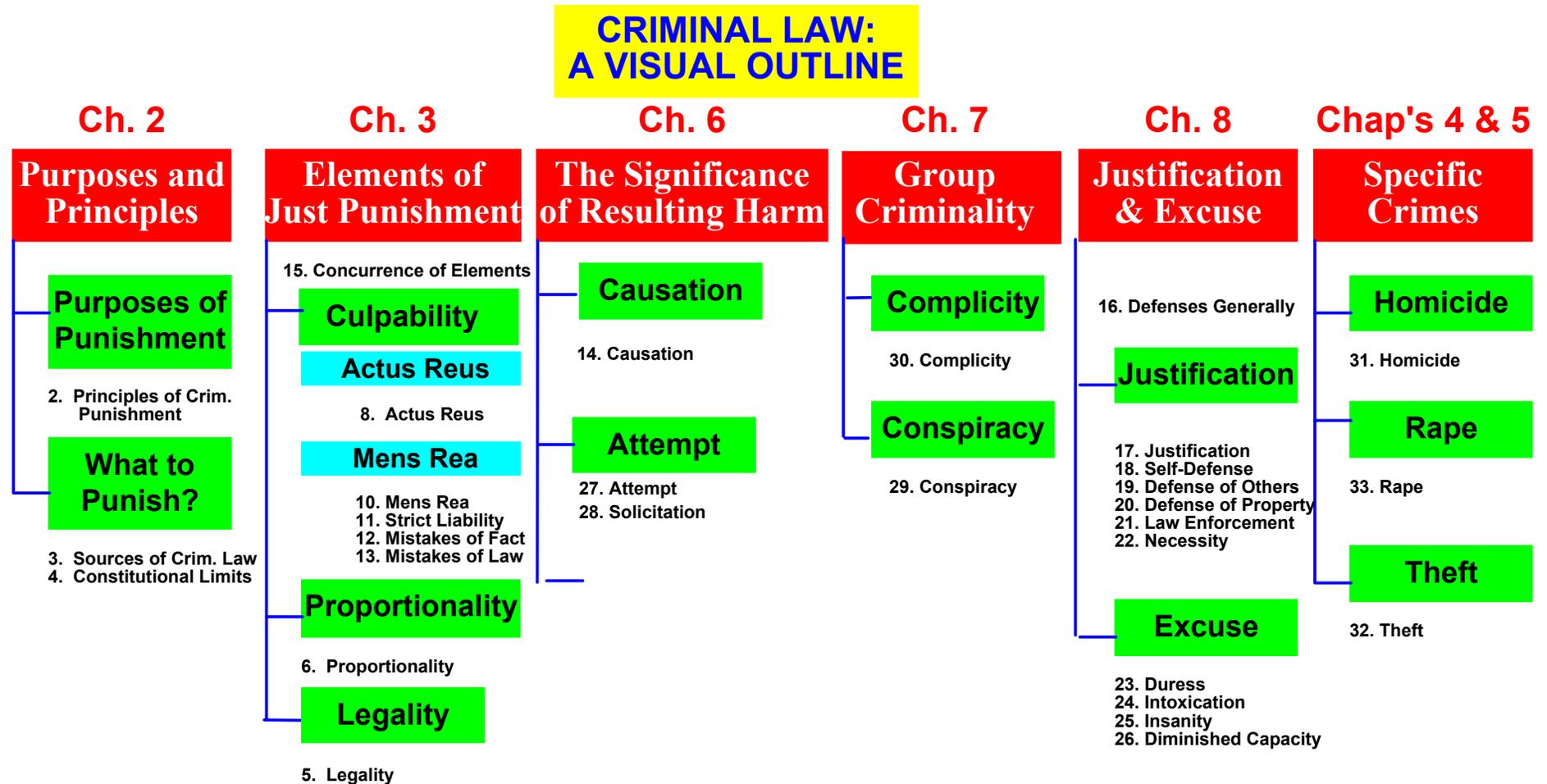


Note: This outline was prepared for Criminal Law (DeWolf, Gonzaga Law School), Fall 2004. It attempts to provide a visual supplement to the text. It is not intended to be complete, or to substitute for the more careful discussion contained in the text.



Purposes and Principles

Purposes of Punishment

Retribution — **Kant / Stephen**
"It just feels right."

Deterrence — **Bentham / Andenaes**
General v. Special

Reform — *(Now out of favor)*

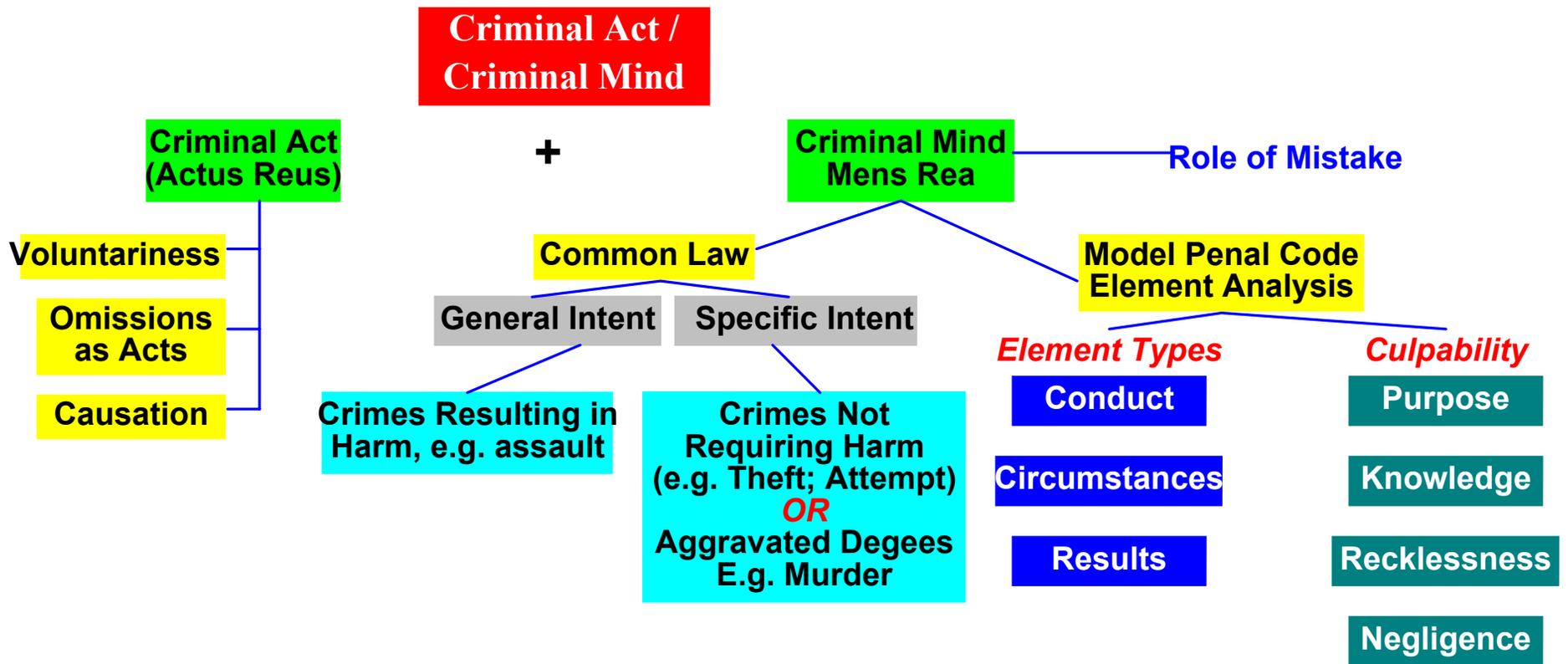
Incapacitation — **Cohen**
General & Selective

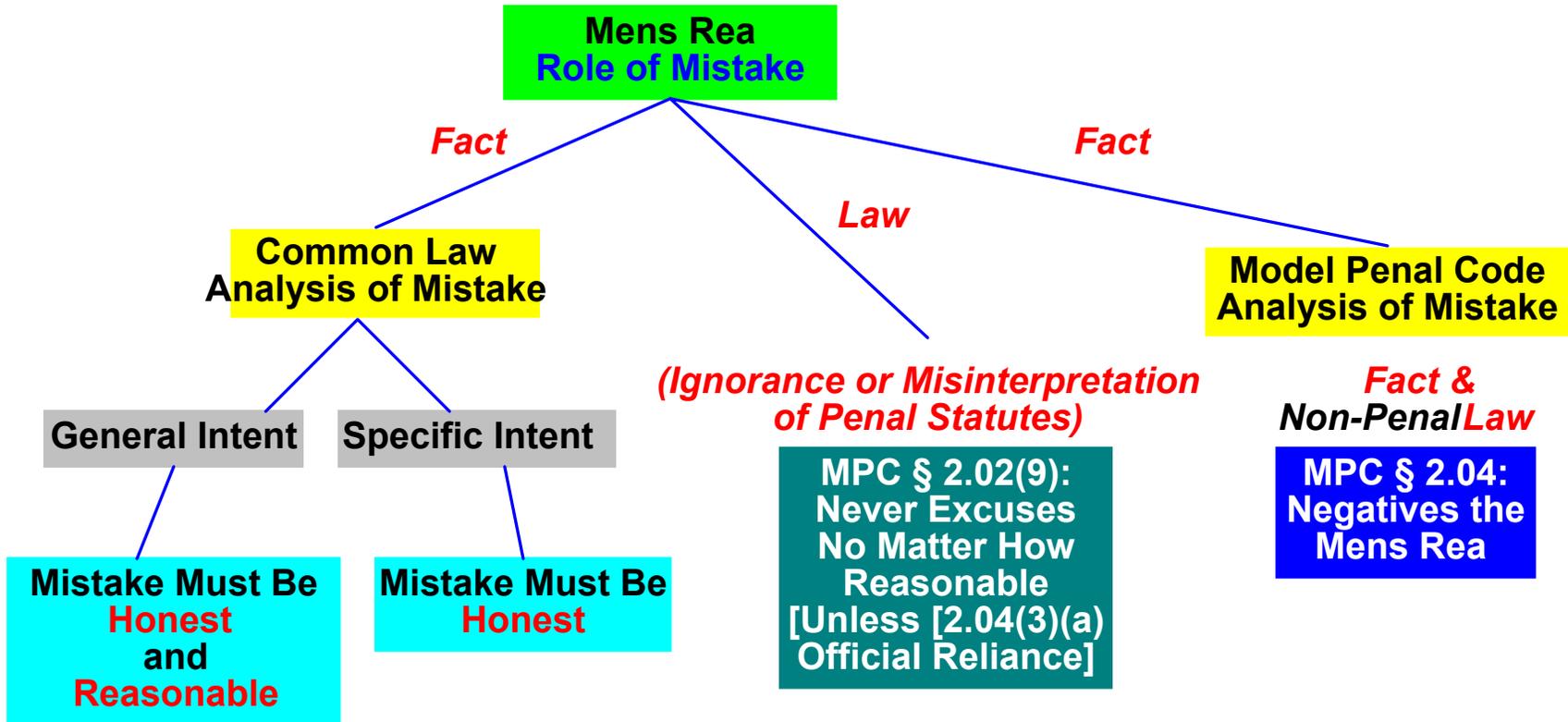
Principles of Just Punishment

Legality — **Fair Notice / Statute**
No Retroactivity
No excessive vaguess

Proportionality — **Life Imprisonment for forgery?**

Constitutional Limits — **No Cruel & Unusual Punishment**
Death Penalty?
Due Process Limits





Inchoate Crimes

Attempt

Solicitation

Conspiracy

Purpose of Accomplishing Criminal End

PLUS

MPC § 5.01

- (a) "Impossibility"
- (b) Last Proximate Act
--OR--
- (c) Substantial Step
Strongly Corroborative
of Criminal Purpose

Completed
Conduct that
Fizzled

Aborted
Conduct

MPC § 5.02
Encouraging
Another to
Commit Crime

MPC § 5.03
Agreement
With Another
plus
Overt Act
[§ 5.03(5)]

Group Criminality

Complicity

Mens Rea

Conduct:
Purpose to Aid

Circumstances
???

Results
§ 2.06(4): Culpability
for the Underlying
Offense is Sufficient

Actus Reus

§2.06(3)(a)(ii)
Aids or agrees or
Attempts to Aid

Conspiracy

**Common Law
(Feds)**

***Pinkerton* Rule**
(Liability Extends to
Acts Inferred from
Scope of Conspiracy)

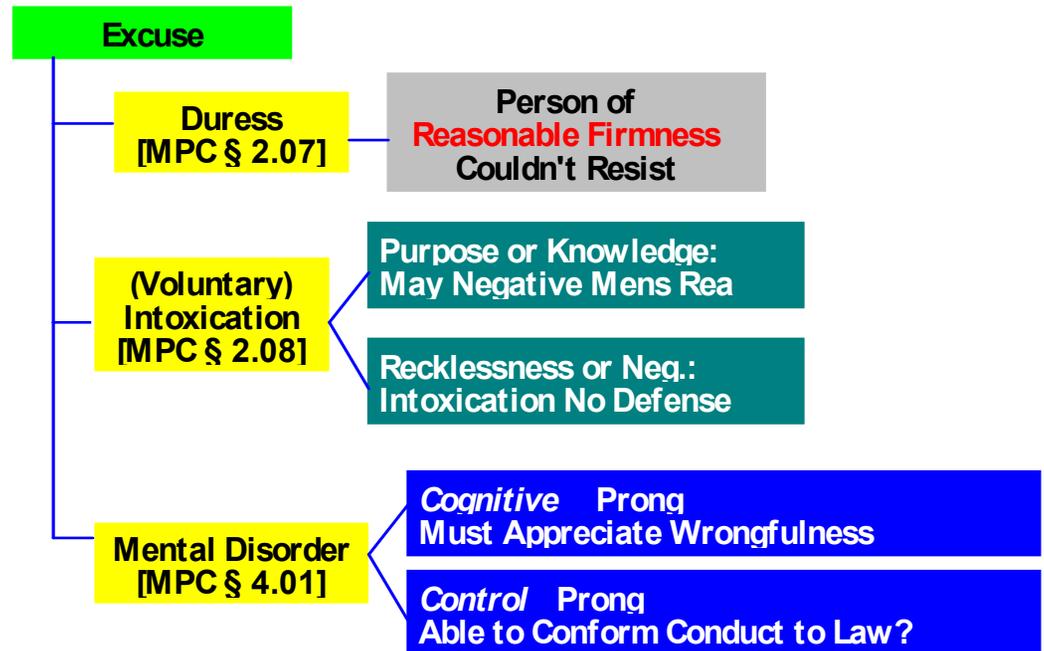
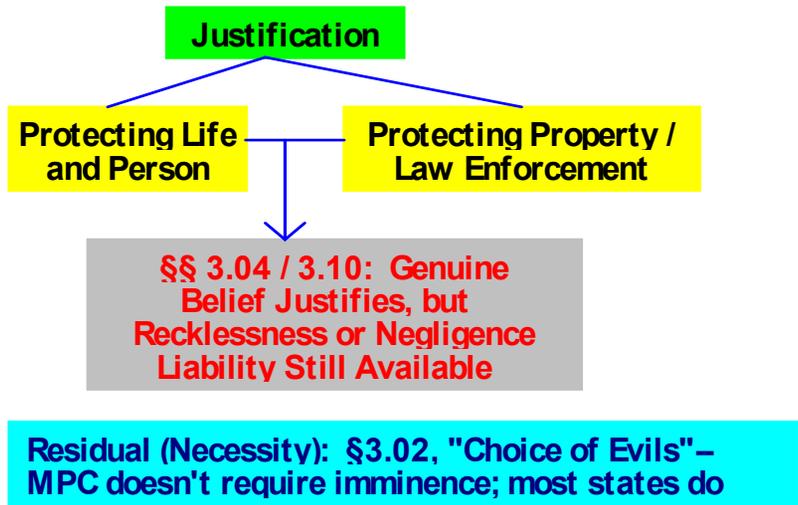
No Merger
Separate Punishment
for Conspiracy and
Substantive Crime

Model Penal Code

**Liability Only for
Crimes Actually
Agreed To**

§1.07
Conspiracy Count
Merges With
Substantive Count

Justification & Excuse



Particular Crimes **HOMICIDE**

Common Law

MPC

**Murder
(Malice Aforethought)**

**Manslaughter
(Other)**

**Murder
§ 210.2**

**(a) Purposely or
knowingly**

**(b) Recklessly w/
extreme indifference**

Presumed if felony murder

**Manslaughter
§ 210.3**

(a) Recklessly

**(b) Murder except under
extreme disturbance**

**Negligent Homicide
§ 210.4**

Particular
Crimes

RAPE

Sexual Intercourse

**with a female not
his wife**

Marital Rape?

PLUS one of the following:

Force / Compulsion

Unconscious

Drugged

< 10 yrs old

Mens Rea=Reckless

Mens Rea=Purpose

Mens Rea=SL

**1st ° unless date or
previous liberties**

**1st ° if serious
bodily injury**