I. General Concepts

   A. Vagueness: Fair warning to average person
   B. Merger: Solicitation into Completed Crime
      Attempted into Completed Crime

   C. Tort Concepts

      1. Transferred Intent
      2. Strict Liability
      3. Causation

   D. Liability for Crimes of Another

      1. Conspiracy
      2. Aid & Abet
      3. Accessory After the Fact

II. General Intent vs. Specific Intent: Not the place to focus.

   Q: What mental state is required?

III. Mistake (Legal vs. Factual Impossibility: Not the place to focus.)

   Q: 1. Did you do the act necessary to commit crime (assuming no mistake)?
      2. Do facts show required mental state?

      ➔ Attempt to commit crime.

IV. Offenses

   A. Inchoate Crimes (not necessarily completed)

      1. Conspiracy (unilateral v. bilateral)
         a. Agreement
         b. Overt Act
      2. Solicitation
      3. Attempt—Substantial step towards, more than mere Preparation for.
B. Person Crimes

1. Homicide
   a. Murder: Cause Death Human with Malice (Malice shown by…)
      i. Intent to Kill (dangerous weapon rule)
      ii. Intent to do SBH
      iii. FM (independent felony)
      iv. Reckless Indifference
   b. Manslaughter
      i. Gross Negligence
      ii. Heat of Passion (Mitigating Defense)

2. Assault (attempted Battery)
3. Burglary
   a. Breaking
   b. Entering
   c. Dwelling House
   d. Of Another
   f. At Night
   e. Intent to commit Felony therein
4. Rape
5. Kidnap/False Imprison
6. Robbery
   a. Larceny from Person
   b. Accomplished with force

C. Property Crimes

1. Larceny
   a. Taking
   b. Asportation
   c. Personal Property
   d. Another
   e. Intent to
   f. Permanently Deprive
2. False Pretenses—title by false past or present fact
3. Embezzlement—legally held property
4. Forgery—False writings
V. Defenses

A. Self Defense (Deadly vs. Non-Deadly Force)
   --Duty to retreat
   --Dwelling: no duty

B. Insanity (M’Naghton)
   1. Don’t know that Act is Wrong;
   2. If know, not know nature and quality of Act.

C. Intoxication—as it goes to mental state

D. Necessity (Nature pressure) & Duress (People pressure)
   --Never killing.
I. The Intro Issues:

A. 4th (or 5th, or 6th, or whatever) applies to states through 14th.

B. State Actor (does not reach private conduct; reaches dorm supervisor at U of M because works for state).

C. Standing to object to government conduct (4th Amend).

   --Subjective Expectation, Society accepts as reasonable

II. 4th Amendment. 2 provisions (The Words):

   **Reasonableness:** Searches must be reasonable

   **Warrants:** Must be PC, neutral magistrate, particular

A. Search, per Katz: Privacy Interest

   1. Manifest Subjective Expectation of Privacy
   2. Society accepts as reasonable

      -Not bank records, open fields, utility records, pin records from phone
      -Yes: heat emanating from house, curtilage

B. Warrant Required (“Reasonable”--SCOPE), Unless:

   1. Search Incident (Cars: interior if reasonable, not trunk)
   2. Cars: PC
   3. Plain View (Immediately apparent)
   4. Consent
   5. Exigency--Hot Pursuit/Evanescent Evidence
   6. Inventory (Policy important).
   7. Protective Sweep
   8. **Terry** Stop & Frisk: Reasonable Articulable Suspicion

      a. Seizure: stop person, clarify (time limited)
      b. Frisk: Weapons only
C. Warrant Execution

1. Technical Requirements—PC, particular, oath, neutral magistrate

2. Unreasonable Delay

3. Knock & Announce, Nighttime—No suppress

4. Scope of Search

III. Statements

A. Voluntariness: Due Process. Not admissible at all.

B. Miranda (5th Amendment Trial Rights, advice re: rights)

1. Custodial

2. Interrogation (functional equivalent)

3. Waived

4. Not Admissible in Case in Chief (but as Impeachment)

C. 6th Amendment Right to Counsel

1. Applies after adversary proceedings initiated

   Ex: Snitch placed in cell

2. Not Admissible in Case in Chief (but impeachment)

3. Post-charge Line-up

   Analyze Chronologically (Like K question), based on each intrusion/action by state actor

IV. 5th: Cross Examination—Evidence Hearsay questions.