**Law & Justice 2.4:** Criminal Defenses

1. For a conviction to occur in a criminal case, the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ must establish \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ that the defendant committed the act in question with the required intent.
   1. Defendants are not required to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
2. Defense Category: “\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.”
   1. Defendant must prove either
      1. or
      3. Ex.:
3. Defense Category: “\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.”
   1. Assuming the crime has been committed, but the defendant did not commit it, they must present an \_\_\_\_\_\_\_\_\_\_\_: evidence that the defendant was somewhere else at the time the crime was committed.
4. Defense Category: “\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.”
   1. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_: a person has the right to use \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in self-defense. There must be threat of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ danger of bodily harm. The defendant *cannot* continue to use force after the attacker has stopped.
      1. Ex:
      2. NOT an ex:
   2. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_: a person has the right to defend another person from an attack about to occur *or* to use reasonable, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ force to protect property.
5. Defense Category: “\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.”
   1. \_\_\_\_\_\_\_\_\_\_\_\_\_\_: children under a specific age shall not be tried for their crimes but shall be turned over to juvenile court.
   2. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_: defendants can claim that at the time of a crime, they were too intoxicated to know what they were doing.
      1. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ intoxication is usually *not* a defense.
   3. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_: people who have a mental disease or defect should not be convicted if they don’t know what they’re doing or don’t know if it’s right or wrong.
   4. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_: the defendant committed a criminal act but claims he or she was induced to commit the crime by a law enforcement officer.
      1. IMPORTANT:
      2. Ex:
      3. NOT an ex:
   5. \_\_\_\_\_\_\_\_\_\_\_\_: the defendant committed the crime as a result of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ or a threat of immediate danger to life or personal safety.
   6. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_: the defendant committed a crime because they were compelled to react to an unavoidable situation in order to protect life.
      1. Ex:
   7. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_: law enforcement officials can claim this defense, which allows them to violate the law if they do so reasonably.
   8. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_: the defendant can claim that they are not insane, but suffer from a mental impairment that makes them unable to formulate the required intent for a particular defense.
      1. Ex:
      2. “Twinkie Defense:”