

NYJA—ADVOCACY INSTITUTE

WHAT IS CRIME? LESSON PLAN

Description: This unit was created to explore the basics of criminal law, including an overview of why we have criminal laws, the problems with vague laws, and a brief description of common crimes.

STUDENT OBJECTIVES:

- Know the basics of the criminal system.
- Understand why society criminalizes certain behavior.
- Understand the problem with vague laws.
- Understand the basics of criminal charges.

Length of Lesson: 2-3 class periods

Supplies Needed: This packet, handouts included in the packet, and for reference *Youth Justice in America* (CQ Press 2005).ⁱ

PART 1: WHAT IS CRIME?

For the teachers:

This unit seeks to explain the function of criminal law and provide a brief overview. It begins with a brief discussion of what is crime and where our criminal law comes from. Then it focuses on some of the difficulties with criminalizing behavior, specifically looking at a gang ordinance case that regulated young people's ability to hang out around Chicago. It concludes with a short introduction to criminal offenses with a focus on the District of Columbia's laws.

Background for teachers:

In a free society like the United States, there are no crimes except those defined explicitly by law, and there is no punishment unless a person has actually committed a crime. We do not have natural laws or crimes that no one tells us about. We have statutory laws that proscribe even what would be obviously criminal like murder etc. This is not so in some repressive societies that might have unwritten or arbitrary laws defined by the political leader.

WARM UP QUESTIONS: WHAT IS CRIME?

As you sit here today, each of you has been accused of committing a crime.

Who said that what you did was a crime? Where did the law come from that you supposedly broke?

First question: Answer the following ...

Criminal law ...

- (1) ... is determined by the Mayor, who can change the law as he sees fit?**
- (2) ... is written by the Supreme Court?**
- (3) ... is written by the City Counsel and signed by the Mayor?**
- (4) ... is from the bible?**
- (5) ... is from the common law?**

Answer: The correct answer is 3.

Second question: True or false.

If something is not prohibited in the statutes, it is legal.

Answer, true.

Third question: Is either of the following a crime?

- a. Steven and Oliver are neighbors in D.C. Steven likes animals. Oliver loves animals and thinks every living thing should be protected. One day as they are both hanging out on Steven's porch, Steven squishes and kills a cockroach. Is Steven guilty of a crime?**

- b. Angry at what Steven just did, Oliver grabs a tree branch off a tree in Steven's front yard. Oliver rips the branch off the trunk. Is Oliver guilty of a crime?**

Answers:

a. The answer to question "a" is no. There is no crime because there is no law that prohibits the killing of bugs.

B. The answer is yes. Strangely, there is a law D.C. Code § 22-3310 that reads, "it shall be unlawful for any person willfully to cut down, remove, break, wound, or in any manner injure any vine, bush, shrub or tree not owned by that person...." (Punishable by 30 days in jail or \$5000 fine).

Fourth question: For Class Discussion.

Does that mean that the legislature (the City Council and Mayor in D.C.) can define anything into a crime? Can they make anything illegal? If not, why not?

Answer: No. Criminal laws cannot be valid if they fail to meet constitutional standards. Even if a law is properly adopted by Congress or a state legislature (City Council) and signed into law by the President, governor, or mayor the law will be struck down if it violates a constitutional rule or principle.

HANDOUT: WHAT IS CRIME?

Throughout our history, the states and federal government have tried to turn many things into crimes. Which of the following activities are criminal? Which have been struck down as unconstitutional or are now considered to be unconstitutional?

Crime or no crime?

- (1) **Murder**
- (2) **Wearing clothes with curse words**
- (3) **Loitering (hanging around in public)**
- (4) **Vagrancy**
- (5) **Women voting**
- (6) **Refusing to give up your seat on a bus for a white person if you are not white**
- (7) **Marrying someone of another race**
- (8) **Having sex with someone of the same gender**
- (9) **Entering the country illegally**
- (10) **Drug possession**
- (11) **Drug addiction**

Answers to Quiz:

- (1) Murder (always a crime)
- (2) Wearing clothes with curse words (Not a crime – A Supreme Court case *Cohen v. California* stuck this down)
- (3) Loitering (Usually not a crime, but can be if there are specifically marked areas where it says no loitering and the person is warned to leave.)
- (4) Vagrancy (Not a crime. The act of being homeless or aimless is not criminal.)
- (5) Women voting (Not a crime. Before the Constitution was changed to allow women to vote it was a crime. Susan B. Anthony was cited for the crime.)
- (6) Refusing to give up your seat on a bus for a white person (Not a crime, although in the civil rights area it would have been a crime, See Rosa Parks.)
- (7) Marrying someone of another race (Not a crime, although before the Supreme Court struck it down, many states had laws banning such interracial marriages.)
- (8) Having sex with someone of the same gender (Not a crime, after the Supreme Court struck down the laws against sodomy.)
- (9) Entering the country illegally (Now a crime, although not a crime when the Pilgrims and other tens of thousands of immigrants arrived in the early part of the 20th Century.)
- (10) Drug possession (crime)
- (11) Drug addiction (not a crime)

ADVOCACY EXERCISE: AN EXAMPLE OF THE PROBLEM WITH CRIMINALIZING ACTIVITIES.

For the teachers:

One of the first principles of criminal law is that people know ahead of time whether they are violating the law or not. This is the principle of “notice.” It requires that people only be held criminally accountable for violating laws that are specific and definite and that let them know precisely what conduct is forbidden. If a state law is too vague, too general or too foggy to give reasonable people a real sense of what they can and cannot legitimately do, we say that such a law is “void for vagueness” and violates the Fourteenth Amendment Due Process Clause.

One such law recently at issue was a Chicago Anti-Gang Ordinance that was struck down by the Supreme Court as being too vague. The following advocacy exercise explores the issue using the real facts of the case, City of Chicago v. Morales.

ADVOCACY EXERCISE:
CITY OF CHICAGO V. MORALES

Explain to the students:

The Case: In 1999, the Supreme Court considered a Chicago anti-gang ordinance that gave police the power to arrest people who look like gang members for “loitering.” There were more than 42,000 people arrested for violating this ordinance before it was challenged for being vague.

Here are the facts you need before arguing the case:

The Facts: In Chicago there existed a serious gang problem. Violent crime and gang violence affected certain parts of the city. In order to protect citizens in those areas the City Council passed The Gang Ordinance which prohibited “criminal street gang members” from “loitering” with one another or with other person in a certain place.

The Law: The law made it a crime punishable by a fine of up to \$500, imprisonment for not more than six months, and a requirement to perform 120 hours of community service.

The crime required four elements:

- (1) First, the police officer must reasonably believe that at least one of the two or more

persons present in a “public place” is a “criminal street gang member.”

- (2) Second, the persons must be “loitering” which the law defines as “remaining in any one place with no apparent purpose.”
- (3) Third, the police officer must then order all of the persons to leave the area.
- (4) Fourth a person must disobey the officer’s order. Only when a person disobeys the order are they guilty (assuming all the other elements are met).

To help you in the argument, it is also useful to think about the following pros and cons of the law.

The pros of the law:

- a. It addressed a real problem. How do you stop gang activity?
- b. One of the concerns was that in certain neighborhoods individuals could not walk down the street without being intimidated by groups of young men and women just hanging out. Unless you criminalized hanging out, you couldn’t stop the problem. The law thus doesn’t criminalize hanging out, it criminalizes “young people in gangs hanging out and refusing to leave when told to do so.”
- c. The language “for no apparent purpose” was meant to distinguish the bad hanging out from the good hanging out.

The cons of the law:

- a. The law applies to non-gang members as well as suspected gang members. Friends, relatives, teachers, counselors, or even total strangers might “loiter” if they happen to engage in idle conversation with a gang member.**
- b. Loitering is defined as having no apparent purpose, thus criminalizing not doing anything. However it would not apply to doing something with a bad purpose (like intimidating non gang members).**

EXERCISE

Divide up the class into two groups: Have one side argue why the Chicago law is unconstitutional and the other side why it is constitutional.

The dividing issues between both sides is (1) whether the law gives adequate “notice” to those who would have to live under the law and (2) whether it gives police too much discretionary power. In both cases students should determine whether standing about the neighborhood without any apparent purpose is a clear enough law for them to follow, as well as a clear enough law for the police to enforce.

For teachers:

On the side of those arguing the law is constitutional.

- Real gang problem.
- Only targets those who are in street gangs.
- Only targets loitering.
- Only targets those who the police believe are doing something wrong.
- There is a warning. Crime only occurs after a warning, and disobeying the warning.
- Not vague because it only affects those told it affects.
- Police would likely know who is in a gang.

On the side of those arguing the law is unconstitutional

- No real clarity about what people can and cannot do.
- Police would have to decide who is a criminal street gang member?
- Police would have to decide that someone “had no apparent purpose.”
- Police get to decide who gets the order to move along.
- It affects non-gang members.
- It affects family members of gang members who aren’t doing anything wrong.
- It leaves open the issue of whether people doing something with apparent purpose would fall within the law.

HANDOUT (3 pages)

“SPEAKING YOUTH TO POWER”

To the Students:

In Washington D.C., we have our own anti-loitering law. Unlike the Chicago law it is focused on drug distribution. Look at the law below:

D.C. Law – “Anti-Loitering/ Drug Free Zone”

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Criteria for Determining a Drug Free Zone

In determining whether to designate a Drug Free Zone, the Chief of Police shall consider the following:

- The occurrence of a disproportionately high number of arrests for the possession or distribution of illegal drugs in the proposed Drug Free Zone within the preceding six-month period
- Any number of homicides related to the possession or distribution of illegal drugs that were committed in the proposed Drug Free Zone
- Objective evidence or verifiable information that shows that illegal drugs are being sold and distributed on public space on public property within the proposed Drug Free Zone
- Any other verifiable information from which the Chief of Police may ascertain whether the health or safety of residents who live in the proposed Drug Free Zone are endangered by the purchase, sale, or use of illegal drugs or other illegal activity

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Violations of the Anti-Loitering/Drug Free Zone Act

Essentially, any group of two or more persons congregating in a Drug Free Zone for the purpose of participating in the use, purchase, or sale of illegal drugs is

violating the Anti-Loitering/Drug Free Zone Act. Additional circumstances that may be used in determining that a person or group is violating the Anti-Loitering/Drug Free Zone Act would include the following:

- Conducting oneself in a manner that would lead police to believe that the person is engaging or about to engage in illegal drug activity. Examples of such conduct may include:
 - Observable distribution of small packages to other persons
 - The receipt of currency for the exchange of a small package
 - Operating as a lookout
 - Warning others of the arrival of police
 - Concealing himself or herself or any object which reasonably may be connected to unlawful drug-related activity
 - Engaging in any other conduct normally associated by law enforcement agencies with the illegal distribution or possession of drugs
- Information from a reliable source indicating that a person being observed routinely distributes illegal drugs within the Drug Free Zone
- Information from a reliable source indicating that a person being observed is currently engaging in illegal drug-related activity within the Drug Free Zone
- A person is physically identified by the officer as a member of a gang or association which engages in illegal drug activity
- A person is a known unlawful drug user, possessor or seller, as indicated by a drug conviction within the past two years or the person displays physical characteristics of drug use (for example, “needle tracks”)
- Such person has no other apparent lawful reason for congregating in the Drug Free Zone, such as waiting for the bus or being near one’s own residence

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Enforcing the Anti-Loitering/Drug Free Zone Act

If a person or persons are in violation of the Anti-Loitering/Drug Free Zone Act, they will be informed by an officer that they are in a Drug Free Zone. They will then be informed that they should disperse and depart within a reasonable timeframe, clearly specified in minutes, before any arrests are made.

It is illegal for members of a group to continue to congregate on public space in the Drug Free Zone after being instructed to disperse. Failure to obey the officer’s

instruction will result in arrest without a second warning. This holds true if they regroup and continue to congregate in any public space within the boundaries of the Drug Free Zone. Any person who violates the act shall, upon conviction, be subject to a fine of up to \$300, imprisonment for up to 180 days, or both.

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Acceptable Group Activities

All acceptable group activities are, and continue to be, lawful within the Drug Free Zone. Examples of some activities in which people may participate as a group that do not violate the Anti-Loitering/Drug Free Zone Act include:

- Distributing campaign literature
- Collecting names on petitions
- Soliciting community support
- Discussing political or religious topics
- Meetings for other lawful civil or personal associations

ADVOCACY EXERCISE:

As you can see, the D.C. law is not nearly as vague as the Chicago law, but it has some similarities. If you were going to argue against the constitutionality of the law what would be your arguments.

Imagine you are on your street outside your house, what could the police do, and what could they not do?

What are the problems with the law? As a class, come together with a proposal you would make to your local police chief about why this law is (1) good for the community, or (2) unfair to people in the community.

For teachers:

The ordinance at issue is quite similar in parts, but focused on drug distribution rather than gang loitering. It will be useful to have the students see what is different about the law, how it is more narrowly tailored, and how it is focused on a particular problem. However, as can be seen by some of the exact same language used in the D.C. statute, the “no apparent purpose” clause which was found unconstitutional still exists.

For those against the law, it would seem the best arguments are to think about all of the innocent conduct that could be used to target young people. For those for the law, it would see the best argument about how this is different and would affect a smaller number of people.

PART II: The Structure of Criminal Laws

Criminal Law 101 –

Every law requires a person to commit an act with a bad intent. Think of these as the *physical* and the *mental* elements of crime. A prosecutor—whether a district attorney, state’s attorney or U.S. Attorney—will have to prove *beyond a reasonable doubt* both the physical conduct and the mental state that are the elements of the crime.

A *felony* is a crime punishable by imprisonment for one year or longer (or by death). In most jurisdictions, burglary, arson, robbery, rape, larceny, murder, and manslaughter are felonies.

A *misdemeanor* is a crime punishable by imprisonment for only up to one year or by a criminal fine. Simple assault or drug possession are typically considered misdemeanors.

The following are a few basic definitions of common crimes. There are numerous other crimes not listed.

Theft Offenses: Theft and Robbery

Theft:

The crime of theft involves a taking and carrying away of the personal property of another with intent to steal.

Taking an Ipod from a friend's backpack is a good example of theft. Even if you are not successful in taking the property, it is still a theft. So, for example, if you grab the Ipod, but it gets caught in the backpack and you don't actually get the Ipod you can still be charged with theft.

Robbery

A robbery is a theft where the taking of property from someone is accomplished by using force or putting the owner in fear. A robbery with any sort of weapon is an armed robbery.

For example, if you are stopped on the street by a tall man wearing a trench coat who says, "give me your wallet or I'll kill you," and you give the man your wallet, you have been robbed. The man has committed a theft (the taking and carrying away of someone else's property with the intent to permanently deprive him of it), and has done so by taking the property from you and putting you in fear of what might happen if you resist. If the man had a knife or a gun or any weapon, it is an armed robbery.

Offenses against the Home: Burglary and Arson

Burglary

Burglary is the breaking and entering of the dwelling place of another person with intent to commit a felony inside.

Burglary is broken down between Burglary 1 and Burglary 2, the difference being whether there is a person inside the house, or apartment, or dwelling. So, if a boy opens a window of a neighbor's house and takes a Playstation 2, when the neighbor is away, it is a Burglary 2. If the person is in the house it is a much more serious crime of Burglary 1. You do not have to actually break anything to be charged with burglary as long as you enter with the intent to commit a crime.

Arson

Arson is the burning of the dwelling place or property of another person. But the burning cannot be an accident or due to mere negligence: it must be intentional or reckless. But the dwelling or property does not have to be substantially or totally damaged for arson to apply.

Other Crimes against the Person: Assault, Homicide (Murder and Manslaughter), Kidnapping, and Rape

Assault

Assault requires: (1) an attempt, with force or violence, to injure another, (2) the ability to effect the injury, and (3) the intent to do the act constituting the assault.

You do not have to actually hit anyone to be charged with assault. The threat to hit someone is enough as long as there is an attempt to frighten the person. For example, if you take a wild swing at a friend with the intent to hit them, you still have committed an assault, as much as if you punched him in the stomach.

Homicide

There are different kinds of homicide, which means generally any unlawful taking of a human life. The two main kinds are *murder* and *manslaughter*.

Murder

In many jurisdictions, murder is divided into first-degree and second-degree murder. Generally, first-degree murder consists of killings committed "with premeditation and deliberation," which means some kind of planning or consideration ahead of time, and those killings committed during the course of felonies.

Second degree murder involves a killing without premeditation.

Manslaughter

There are two kinds of manslaughter: voluntary and involuntary manslaughter. Voluntary manslaughter in most cases involves an intentional killing committed in the "heat of passion," when a person is enraged or emotionally agitated. Involuntary manslaughter usually consists of an unintentional killing committed recklessly, grossly negligently, or during commission of a misdemeanor.

Some states have created additional forms of homicide. For example, many states have created vehicular homicide, which is an unintentional death caused by the driver of a car.

Kidnapping

Kidnapping is usually defined as the unlawful confinement of another person, along with either a moving of the victim or an effort to hide him. Kidnapping can be the taking of someone without their permission in a car or from a house or anywhere.

Rape

Rape is generally defined as unlawful, forcible sexual intercourse with a female without her consent.

Inchoate crimes: Solicitation and Conspiracy

Solicitation

Solicitation occurs when one person asks or encourages another to perform a criminal act, regardless of whether the other person ultimately agrees.

Conspiracy

Conspiracy is an agreement between two or more people to do either an unlawful act or a lawful act by unlawful means and engage in at least one overt act to make it happen.

A good example is when two or more people agree to rob a bank and drive to it. One perpetrator waits in the getaway car while the other goes in to hold up the bank. Their agreement makes them both guilty of conspiracy to commit robbery.

Aiding and Abetting

Even if you are not the principal person involved in a crime you can be held just as responsible. For example, if you and your friends go to a store, and your friend robs the store, you can be charged with the offense of robbery, even if you did nothing more than follow your friend. Worse, if during the robbery, your friend hurts the store clerk, you can be held responsible for the injuries (including being charged with murder) just for being with your friend. You would be charged with aiding and abetting the crime, which simply means you helped the crime by merely being there.

Defenses

A successful defense negates some element or elements of a crime.

Self-defense

We all have the right to defend ourselves against the use of unlawful force. But four requirements must be met for self-defense to be claimed as a defense. First, the defendant must have been resisting present or imminent unlawful force. Second, the defendant must have used only the amount of force that was reasonably necessary to defend himself. In other words, the defendant cannot use excessive force. Third, the defendant may not have used deadly force unless the danger the defendant faced was also deadly force. Fourth, the defendant must not have been the original aggressor.

Defense of others

Generally, a person may use force to defend another person in similar circumstances that would justify using force to defend himself. In order for this defense to work, the defendant must reasonably believe that the other person is in imminent danger of unlawful bodily harm. The defendant may only use the degree of force necessary to prevent the harm. Finally, the defendant must believe that the person he is helping would have the right to use in his own defense the force that the defendant proposes to use in assistance.

Defense of property

A person has the right to use limited force to defend his or her property. For this defense to be valid, the force must be reasonable under the circumstances.

Intoxication

If you decide to get drunk or high, your voluntary intoxication does not generally excuse any criminal conduct that follows. Intoxication can only become a good defense if it is involuntarily achieved.

The insanity defense

If a defendant can prove he was suffering from a mental disease or illness such that he could not tell the difference between right and wrong at the time he committed a criminal act, he may be entitled to a verdict of "not guilty by reason of insanity." It is important to remember that, in almost all states, any defendant who is found "not guilty by reason of insanity" cannot just walk out of the courtroom. In almost every state, such a defendant would be committed to a mental institution.

WRAP UP TEST

The following exercises require students to answer two questions: (1) they have to decide what is the crime being discussed; (2) then they have to answer the question about whether a crime has been committed.

1. Tony G. is walking in the park. Bobby comes up to him and demands that he hand over his cell phone. Tony G. says no. Bobby then picks up a large stick and asks again “give me your cell phone or I will clock you.” Tony G. turns and drops his cell phone and walks away. What crime has been committed? Would Bobby be found guilty?

2. Sally, known to have set small fires in her backyard and at school, sets her doll house on fire one afternoon when she is home alone. The fire spreads quickly and before the fire engines make it there, the house is severely damaged. Assuming she is tried as an adult, what crime could Sally be charged with? Would Sally be found guilty?

3. Jenny found out her boyfriend Terrell was cheating on her. She snuck into his house around midnight and shot him twice in the head while he seemed to be fast asleep in his bed. However, the next day Francine admitted that she had shot and killed Terrell around 10 PM as he slept because she was jealous of his relationship with Jenny. The coroner confirmed that Terrell had died at 10 PM. What crime would Jenny be charged with? Is Jenny guilty of the crime?

4. Chen and his fiancée Nakeeta get in a huge fight while driving on a road trip. Nakeeta punches Chen and calls him terrible names. Enraged and shouting, Chen swerves to a screeching halt on the shoulder of the road, pulls out a knife he carries in the glove compartment and repeatedly stabs Nakeeta. A few days later, Nakeeta dies from the stab wounds. Of what type of crime would Chen be charged with? Would Chen be found guilty?

5. Vincent, who is 22 years old, meets Emily and her friends in a bar. Emily is 19. Vincent asks Emily out and they begin dating and after a while having sex. After two months, Emily is tired of Vincent's bad jokes and constant put-downs. At her apartment, she tells Vincent that she is breaking up with him. He says she cannot do that but she tells him that it is over and he should leave. Vincent forces himself upon Emily and says he wants to "have sex one last time." She yells "no" and tries to fight him off, but he overpowers her and penetrates her. Before leaving, he says, "Alright, let's be friends, o.k.?" What crime would Vincent be charged with? Would he be found guilty?

6. Juan and Phillip are two high school students eating lunch in the school cafeteria. They're chatting but stop talking when Bronco, known around the school as a major bully, begins taunting a student at the next table about her clothes. Phillip says to Juan, "That guy is a jerk and should really be given a taste of his own medicine." A few days later, Juan

slashes Bronco's tires. What crime would Philip be found charged with? Would he be found guilty?

7. One afternoon, Harry decides to steal his classmate Gerald's brand-new Knicks jacket. He hatches a plan to break into Gerald's locker at school and take the jacket. It just so happens that Gerald is walking down the hall at the exact moment Harry had broken into Gerald's locker and was grabbing the jacket. Gerald yells, "What are you doing, man? Drop my jacket!" Harry slams the locker and runs down the hall with the jacket. Gerald pulls a small pistol out of his pants and shoots Harry in the back. Harry dies. What crime would Harry be accused of had he not been shot? What crime would Gerald be charged with? Does Gerald have a defense that he can use to defend himself?

8. To celebrate the end of the school year, Michael hosts a big party at his parent's house. When Brandi arrives, Michael hugs her and offers her some punch. Assuming there was probably alcohol in the punch, Brandi declines the offer because of her religious views. Michael insists that he made the punch himself and there is no alcohol in it so Brandi accepts. Unfortunately, unbeknownst to both Michael and Brandi, Michael's football buddy Troy has spiked the punch with a strong tequila. Brandi doesn't taste the tequila in the punch, and quickly becomes drunk and violent. In fact, she picks up a lamp and throws it at Michael. Michael is hit in the head and ends up dying because of the blow. What crime would Brandi be charged with? Would Brandi have any defense to the charge?

ANSWERS

1. Answer: The crime is robbery and armed robbery. The stick counts as a weapon, which coupled with the threat to use it and the request for a phone equals armed robbery. The fact that Tony G. dropped the phone rather than handing it over does not matter. Tony G. was robbed.
2. Answer: The crime is arson. Sally burned something down. However, she would not be found guilty because she did not burn the dwelling place or property *of another person*. Because it was her property it is not an arson.
3. Answer: Jenny could be charged with first degree murder since she tried to kill Terrell. However, because Terrell was already dead when Jenny shot him, she probably can't get convicted. Since she did not actually cause his death, she cannot be found guilty of murder.
4. Answer: Chen will most likely be charged with murder one or two. His act was violent and caused the death of Nakeeta. However, because of the context he might only be found guilty of voluntary manslaughter since he committed the crime "in the heat of passion."
5. Answer: Vincent would be charged with rape (or first degree sexual assault as it is called in the District of Columbia). He would very likely be found guilty of the crime. His prior relationship with Emily does not give him

any right to have sex with her. She denied consent and he used force.

6. Answer: Philip could be charged with solicitation. However, he would likely not be convicted because Phillip did not intend for Juan to slash Bronco's tires. There is a fine line between casual conversation and true solicitation to commit a crime. If Phillip had said to Juan, "you should show that guy what he deserves and I'll pay you to slash his tires in the parking lot," then there would be a strong case for solicitation.

7. Answer: First, Harry would be guilty of theft if he had successfully taken the jacket from Gerald's locker. Second, because Gerald shot and killed Harry, Gerald would be charged with murder (either first degree or second degree). Gerald could raise the defense of "defense of property" but it would not be successful. Deadly force never justifies the defense of an item of property, especially not something like a jacket. Deadly force can only be used to repel deadly force or, in some states, in defense of one's home.

8. Answer: Brandi would be charged with second degree murder. She didn't mean to kill Michael, but her actions caused her death. However, Brandi can assert a defense of *involuntary* intoxication, which is a valid defense. Since she did not know the punch was spiked and since the crime did not rise to the level of recklessness, she will probably be found not guilty by reason of involuntary intoxication.

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