

**Criminal Law
Sample Outline
Mid-Atlantic School of Law**

I. Introduction

A. General Information

1. Crime Defined—an act or omission prohibited by law.
2. Sources of Criminal Law-English Common Law and largely by statute.

B. Classifications of Crimes

1. Felonies and Misdemeanors-felony punishable by death or greater than 1 year in prison.
2. Malum in Se and Malum Prohibitum-Malum in se inherently dangerous, bad, or immoral, Malum Probitum necessity to regulate.

C. Burden of Proof and Related Matters

1. Proof Beyond a Reasonable Doubt-right to jury trial, each element beyond a reasonable doubt.
2. Defensive Matters—due process burden to prove defense on defendant.
3. Presumptions and Inferences Modifying Burden of Proof
 - a. Permissive inferences-jury may infer one fact from another.
4. Homicide Prosecutions-Allocating Burdens Regarding Provocation
 - a. Burden of proof on provocation by presuming malice.
 - b. Burden of proof on extreme emotional disturbance-defendant made to show proof of under extreme emotional disturbance-reduce murder to manslaughter.

II. The Criminalization Decision

A. Justifications for Punishment

1. Specific Prevention-deterrence, incapacitation, treatment and rehabilitation.
2. General Prevention-deterring, educating moral, creating social solidarity, keeping others from taking law into own hands.
3. Retribution-crime itself reason to punish.

B. Costs Versus Benefits-benefits gained from making conduct criminal.

III. Basic Legal Limits Upon Criminal Law

A. Constitutional Right of Privacy-Supreme Court found is implied by Constitution.

B. Due Process Prohibition Against Vagueness

1. Criminal Statute Must be Precise
 - Criteria for Evaluating Vagueness-must define offense with sufficient definiteness.
3. Curing Vagueness by "Scienter"-committing offense with prior

knowledge.

- C. Cruel and Unusual Punishment-8th Amendment
 - 1. Inherently Impermissible Punishments-barbaric, degrading, torture, etc.
 - 2. Disproportionate Penalties-grossly and outrageously disproportionate.
 - 3. Death Penalty-constitutionally permissible
- D. Multiple Liability for Identical or Related Criminal Acts
 - 1. Overlapping Criminal Liability—same act constitutes several crimes.
 - 2. Common Law Doctrine of Merger-merge felony and misd., no misd.
 - 3. Prohibition Against Double Jeopardy-5th Adm.
 - a. No bar to multiple conv. in one proceeding.
 - b. Blockburger rule-determining legislative intent.
 - 4. State Double Jeopardy Prohibitions-many states.
 - 5. Statutory Bars to Multiple Conviction or Punishment-prohibit for single acts.
 - 6. Modern Merger of Offenses as Matter of Legislative Intent
 - 7. Exception—Multiple Victims

IV. Elements of Crimes

- A. Criminal Acts-Actus Reus-affirmative act or failure to act
 - 1. Constitutional Limitation-alcoholic not a criminal offense.
 - 2. "Acts" Sufficient for Criminal Liability-Affirmative v. Negative "Acts"
 - a. Affirmative acts-conscious and volitional movement.
 - (1) Exceptions-unconsciousness.
 - b. Negative acts-legal duty to act, knowledge, and possible.
- B. Attendant Circumstances-proof certain circumstances existed.
- C. Criminal State of Mind-Mens Rea
 - 1. Criminal intent-general requirement of Mens Rea.
 - 2. Traditional Mens Rea Analysis
 - a. General intent-volitional doing of prohibited act.
 - b. Specific intent-intent to do something further.
 - c. Criminal negligence
 - d. Malice
 - e. Willfully, deliberately, feloniously-equated with general intent.
 - f. Knowledge of law sometimes required.
 - g. Proof of intent-fed, constitutional requirements.
 - 3. Strict Liability Crimes-she said she was 21.
 - 4. Modern Classifications of State of Mind
 - a. Different states of mind-purpose, knowledge, recklessness, negligence.
 - b. General Requirement-at least recklessness.
 - 5. "Transferred Intent"-Responsibility for Unintended Results
- D. Concurrence of Actus Reus and Mens Rea--Act and result, mistake of death cases.

- E. Causation
 - 1. Factual Causation--"But For" Test-speeding up result, no suff. cause.
 - 2. Proximate Causation-intervening factor, unforeseeable, sole direct cause, independent.

- V. Scope of Criminal Liability
 - A. Complicity in the Crime
 - 1. Parties to Crime-encouraged, assisted, hindered apprehension, etc.
 - 2. Common Law Classifications-Tarty" Rules
 - a. Parties to felonies-principal in the first degree, second degree, accessory before fact, after fact.
 - b. Significance of party rules-higher offense conviction.
 - c. Misdemeanors and treason-all parties conv. as principal.
 - 3. Modern Statute Classifications
 - a. Inciters and abettors
 - b. Accessory after the fact
 - c. Effect of modern changes-no bar after acquittal of principal.
 - 4. Accomplice Liability
 - a. Requirements-abetting, inciting, Mens rea, Perp. com. crime.
 - b. Scope of liability-trad, rule-all probable consequences.
 - c. Defenses-withdrawal, acp. liab. inapplicable, unable to com.
 - 5. Accessories After the Fact-separate offense v. new offense.

 - B. Vicarious Liability-Liability for Acts of Others, Legislative Intent, Const. Limits

 - C. Criminal Liability of Corporations and Associations
 - 1. Corporate Liability-Requirements
 - 2. No Effect on Individual Liability
 - 3. Unincorporated Associations-not subject to criminal conv.-partners.

- VI. Defenses
 - A. Infancy
 - 1. Common law-under age 7 conclusively incapable of intent, 7-14 rebuttably, over 14 adults.
 - 2. Modern Statutes-chronological age at time of crime.
 - 3. Juvenile Court-adjudicated delinquent, not convicted.

 - B. Insanity
 - 1. Impaired at time of crime-dim capacity, incomp. to stand trial.
 - 2. Condition of Insanity-Mental illness, retardation, intoxication.
 - 3. Tests for Insanity
 - a. M'Naghten rule, nature and quality of act, wrong, inability to control is irrelevant.
 - b. Loss of control tests-irresistible impulse, model penal code (MPC).
 - c. Broader tests-Durham rule, Sense of Justice test.
 - d. M'Naghten revised after Hinckley
 - e. Mens rea—substituted for insanity—some states.

4. Proposal to Abolish the Insanity Defense-difficulty in determining.
 5. Burden of Proof on Insanity
 6. Jury Instructions on Consequences of Insanity Acquittal-most don't.
 7. Procedure following NGRI-automatic commitment most.
 8. Guilty But Mentally Ill-some states allow.
- C. Diminished Capacity
1. Majority Approach-Diminished Capacity Rejected-maj. reject rule.
 2. Limited to Specific Intent Crimes
 3. English Rule-substantially impaired.
- D. Intoxication
1. Involuntary, pathological, permanent insanity
 2. Voluntary-lacked specific intent, intoxication negated mens rea.
 3. Distinguish-Crimes Requiring Proof of Intoxication-driving, etc.
- E. Ignorance of Mistake of Fact
1. Distinguish between fact and law
 2. Mistake reasonable
 3. Must be morally and legally permissible
 4. Prosecutions for Strict Liability Offenses
- F. Ignorance of Mistake of Law
1. Ignorance or Mistake Showing Lack of Mens Rea
 2. Mistaken Belief that Criminal Law Does Not Prohibit Intended Conduct
- G. Necessity or Justification
1. Requirements-Objectively Reasonable Belief, harm was imminent.
 2. Economic Necessity Sufficient?
 3. Defense to Prison Escape?-courts especially reluctant.
- H. Duress
1. Requirements-reasonably believe imminent death or harm.
 2. Not Applicable to Intentional Killings
 3. Distinguish-Coercion of Wife by Husband
- I. Entrapment
1. Not a constitutional rule
 2. Limited to nonserious crimes-only law enforcement and agents.
 3. Defendant cannot deny act-except federal.
 4. Entrapment Criteria
 - a. Traditional-predisposition, burden of proof, procedural disadv.
 - b. Modern-response to law enforce. act-focus on police act.
 - c. Does law enforcement provide materials-poss. def.
- J. Consent and Related Matters
1. Consent must be legally effective
 2. Legal effectiveness-given voluntarily, with legal capacity, no fraud.
 3. Dondonation No Defense

4. Negligence or Criminality of Victim No Defense

K. Self-Defense

1. Belief threatened imminent and physical harm-force nee. to prevent.
2. Additional Requirements when deadly force used
3. Special-battered child claiming self-defense.
4. Limitation-Right of Aggressor to Self-Defense-unless excessive.
5. Resisting Unlawful Arrest
6. Imperfect Self-Defense-Defendant Causes Death

L. Defense of Others

1. Relationship with Party Defended-Mod. View-No special relationship.
2. Right of Party Defended to Act in Self-Defense
3. Distinguish-Force to Prevent Criminal Offense

M. Protection of Property

1. More Limited Than Protecting Persons
2. Reasonable Nondeadly Force-may be used.
3. Property in Possession of Another-defenders lawful possession usual.
4. Force to Reenter or Regain Property-immed. after or hot pursuit.
5. "Spring Guns" same harm had he been present

N. Protection of Dwelling

1. Common Law View-Deadly Force in Defense of Dwelling
2. Modern View-Limited Right to Use Deadly Force
 - a. Intruder inside-courts split.
 - b. Statutory provisions-Make My Day-Col., any degree offeree.

O. Use of Force to Effectuate Arrest

1. Right of Police-use nondeadly except felony then deadly force.
 - a. Modern view-reasonably believed a dangerous felony.
 - b. Reasonable appearance controls
 - c. Distinguish-self defense.
2. Right of Private Citizens-some force but not just reasonable belief-felony.
3. Use of Force to Prevent Escape from Custody-same as arrest.

P. Crime Prevention

1. Common Law-reasonable "nondeadly" force-deadly force-felony.
2. Modern View—limited to felonies death or serious harm to others.

Q. Public Authority-Public Authority may use reasonable force.

R. Domestic Authority and Similar Special Relationships-reasonable nondeadly.

VII. Preliminary or Inchoate Crimes

A. Solicitation

1. Common Law-counsels, incites, or induces another to commit.
2. Modern-incitement of serious offense.

3. Special Problems in Solicitation
 - a. Uncommunicated solicitation-fails to del. message, etc.
 - b. Defense of renunciation?-unclear escape of liability.
 4. Relationship to Other Crimes
 - a. Accomplice liability-liable as party.
 - b. Conspiracy distinguished-agreement not required.
 - c. Attempt-goes beyond mere incitement.
 - d. Merger of solicitation with attempt or conspiracy-sol, less.
- B. Conspiracy
1. An agreement between two or more people to commit a crime.
 - a. Common law-misdemeanor agreement.
 - b. Modern Statutes-agreements to commit crime.
 2. Requirements for Liability for Conspiracy
 - a. Mens rea
 - b. Actus reus
 - (1) Connection to agreement
 - (2) Overt act requirement
 - (3) Number and characteristics of agreements
 - (a) One agreement multiple unlawful purposes
 - (b) "Chain" solution-one large conspiracy.
 - (c) "Wheel" and "spoke" situation-several different.
 - (4) "Unknown" conspirators-all known to be involved.
 - (5) Husband-wife-common law-not formed, mod. rej.
 - (6) Corporate-can be a party to.
 - c. Objective of agreement-some mod. require objective to commit.
 3. Punishment-modern-related to but less than parties agreed with.
 4. Conviction for Conspiracy and Comp. Crime-convict of both~no merg.
 5. Special Problems Applying Conspiracy Law
 - a. Traditional "plurality" requirement-two or more-princ. is conv.
 - b. Wharton's Rule-no conspiracy to commit concerted act. crimes.
 - c. Defenses to conspiracy
 - (1) Impossibility-usually no defense.
 - (2) Withdrawal-no defense.
 6. Liability for Crimes of Co-Conspirators-all guilty reas. foresee, results.
 - a. Crimes prior to joining—no apparent convictions.
 - b. Withdrawal preventing liability-after withdraw-not liable after.
 7. Duration of the Conspiracy-all objectives of agreement completed.
 8. Tactical Advantage for Prosecution-venue, use of hearsay, etc.
- C. Attempt-taking a sufficient step toward comp. of crime with requisite intent.
1. Elements of Attempt-specific intent-act in furtherance of crime, a.
 - Mens rea
 - b. Actus rea
 - (1) Act must go beyond mere "preparation"
 - (2) Defendant must have committed last proximate act
 - (3) Defendant must have obtained control all factors
 - (4) Defendant's conduct physically proximate
 - (5) Defendant must have gone so far

- (6) Act must show unequivocally def. intended
- (7) MPC-strongly corroborative def. intent.
- 2. Defenses to Attempt
 - a. Impossibility-factual impossibility or misunderstood law.
 - b. "Withdrawal" or abandonment-complete and fully, lack intent.
- 3. Punishment-less than comp. crime-not convict of both.
 - a. "Attempt-like" crimes-some upheld.
 - b. Solicitation as attempt-mere solicitation not an attempt.

VIII. Homicide Crimes

A. Definition and Classification

- 1. Killing of one human being by another human being
- 2. Common law-justifiably, excusable, or criminal.
- 3. Modern-two degrees plus negligent homicide.

B. Murder

- 1. Murder Defined
- 2. "Malice Aforethought-several different mental states plus absence.
 - a. Sufficient mental states
 - (1) Intent to kill
 - (2) Intent to inflict great bodily injury
 - (3) Intent to commit a felony
 - (4) Intent to resist lawful arrest
 - (5) Awareness of high risk of death-abandoned heart.
 - b. Proof of malice aforethought
- 3. Degrees of Murder
 - a. First degree murder
 - (1) Premeditated killings
 - (2) Killing during enumerated felonies
 - b. Second Degree murder-aforethought-not raised to first deg.
- 4. Capital Murder-separate offense-aggravated factor or spec, circum.

C. Felony Murder

- 1. Felony Murder Rule-kill with intent to commit a felony.
- 2. Limitations on Felony Murder
 - a. Death of another must be "foreseeable"
 - b. Felony must be dangerous
 - c. Felony must be independent
 - d. Must directly cause death
 - e. Death must be caused in perpetration of felony
- 3. Future of Felony Murder-several courts have abandoned.

D. Voluntary Manslaughter

- 1. Voluntary Manslaughter-provocation, otherwise be murder.
- 2. Elements of Provocation Reducing Murder to Manslaughter
 - a. Reasonable provocation-judged by objective standard.
 - (1) "Reasonable person"
 - (2) Particular situations
 - (a) Words alone-not adequate.

- (b) Other-violent blows, agg. assault, adultery spouse, illegal arrest.
- (c) Mutual combat-voluntarily entered.
- (3) Mistake concerning provocation-reasonably believed.
- (4) Provocation by someone other than victim-not reduced to manslaughter when def. killed wrong party.
- (5) Injury to persons other than defendant-def. or close rel.
- b. Actual Provocation-actually killed due to passion not reason.
- c. Absence of reasonable cooling period-passions of rea. person.
 - (1) "Reinflaming" occurrences-cooling period runs again.
- 3. MPC Position "Extreme Disturbance"—extreme mental, rea. excuse.
- 4. "Imperfect" Defense Situations as Voluntary Manslaughter

E. Involuntary Manslaughter

- 1. Involuntary manslaughter—unintended crim. negligence, unlawful act.
- 2. Killing by Criminal Negligence-unintentional killing crim. neg. act.
 - a. More than "civil" negligence required—aware of high risk.
- 3. Killing by Commission of Unlawful Act-"Misdemeanor Manslaughter"
 - a. Limitations-malum in se, negligent manner, death by unlawful aspect.

F. Modern Statutory Distinctions

- 1. MPC Scheme-redefined by different states of mind.
 - a. Murder-purposely, knowingly, or recklessly.
 - b. Manslaughter-recklessly, mental or emotional disturbance.
 - c. Negligent homicide-new homicide offense.
- 2. Homicide Caused by Operation of Motor Vehicle-separate offense.

G. General Problems Relating to Homicide Liability

- 1. Victim Must Be a Living Human Being-Killing of Fetus
 - a. Statutory changes-some states broadened homicide statutes.
- 2. When Does Death Occur-heartbeat, resp. stop or no brain function.
- 3. Death Must Occur Within a Year and a Day-some abandoned and ext.
- 4. Aiding or Causing Suicide—separate offense.
 - a. Distinguish-actively killing another guilty of murder.

IX. Other Crimes Against the Person A.

Assault and Battery

- 1. Battery-unlawful application of force to another.
 - a. Actus reus-no injury, may be indirect.
 - b. Mens rea-negligence is usually sufficient.
 - c. Effect of consent-no battery if effectively consented.
 - d. Punishment-misdemeanor, agg. felony.
- 2. Assault
 - a. Attempted battery as assault
 - (1) Mens rea-intended the application offeree.
 - (2) Actus reus-progressed toward completing.
 - (3) Conditional assault-threat.

- b. Intentional placing in fear as assault
- c. MPC-victim in fear of serious bodily harm.

B. Mayhem

- 1. Actus Reus-injury that permanently disfigures or disables.
- 2. Mens Rea-intended to injure.

C. Rape and Related Offenses

- 1. Forcible (or Common Law) Rape-other than his wife.
 - a. Husband cannot rape wife-can be convicted as party.
 - b. Against the Women's will-without consent.
 - (1) Intercourse accomplished by force
 - (2) Intercourse accomplished by threats-ineffective.
 - (3)** Incapacity to give effective consent
 - (4) Consent obtained by fraud-believed married.
 - c. Mens rea-defendant reasonably believed consent.
 - d. Special problems
 - (1) Corroboration of victim's testimony
 - (2) Requirement of resistance-some courts require proof.
 - (3) Effect of victim's promiscuity-modern trend limits.
 - e. Special age defense-under 14 incapable.
- 2. "Statutory" Rape
 - a. Awareness of victim's age not necessary-strict liability crime.
- 3. Equal Protection Issues Regarding Sex Offenses-violate equal pro.
- 4. Modern Trend-"Sex Neutral" Offense of Sexual Assault
- 5. Reemphasis on Consent-Intercourse "By Forcible Compulsion"

D. False Imprisonment

- 1. Actus Reus-Confinement-force, threats, prevented from proceeding.
- 2. Mens rea-intended to confine.
- 3. Unlawful Confinement-without legal authority.
- 4. Punishment-misdemeanor.

E. Kidnapping

- 1. Common Law-forcible abduction or stealing away of a person.
- 2. Modern Statutes-aggravated false imprisonment.
 - a. Confinement and movement (asportation)
 - b. Confinement in a secret place
 - c. Confinement accomplished by deadly force
 - d. Confinement for ransom or sexual abuse
- 3. Confinement-How Accomplished-deception, force or threats.
 - 4. Mens Rea--actual intent to confine or move victim.
 - 5. Relationship of Kidnapping to Other Crimes-may be incidentally to.
 - 6. Punishment—felony or severe penalty for aggravated kidnappings.

X. Crimes Against the Habitation

A. Burglary

- 1. Common Law-breaking and entering dwelling in nighttime with intent

to commit a felony.

- a. Entry-actual or constructive.
 - b. Breaking-actual force to create open by trespass.
 - (1) Use offeree to create opening-fraud, threats.
 - (2) Distinguish-breaking to leave-most not burglary.
 - (3) Trespass-consent to enter-not a burglar.
 - (4) Causal relationship-by which entry is accomplished.
 - c. Dwelling house-reg. sleep, includes curtilage.
 - d. Of another-right of habitation.
 - e. In the nighttime-breaking and entering occur on two nights.
 - f. With the intent to commit a felony-at time of entry.
 - (1) Actual commission of felony not required
 - (2) "Within" the structure-close connection maybe enough.
2. Modern Statutes-significantly modified.
- a. Breaking not required-any entry.
 - b. Structure need not be a dwelling-even vehicle.
 - c. Time of entry irrelevant
 - d. Intent to commit misdemeanor sufficient
 - e. Punishment-felony, some degrees.
 - (1) Conviction for both crimes-burg, and target crime.

B. Arson

1. Common Law-dwelling house of another.
 - a. Distinguish-"houseburning"~misdemeanor.
 - b. Burning-must be physically damaged-scorching not enough.
 - c. Mens rea-malice-knowingly intend an obvious fire hazard.
2. Modern Statutes
 - a. Structures other than dwellings
 - b. Ownership and occupancy-defendant must be aware.
 - c. "Burning" not required-explosions.
 - d. Intent to defraud insurer-separate offense.
3. Punishment-felony.

XI. Crimes Against Property-Acquisition Offenses

- A. Introduction-modern trend to consolidate common law into single crime of theft.
- B. Larceny
 1. Elements—requires trespassory, taking and asportation with intent to permanently deprive the owner.
 2. Subject Matter-tangible personal property.
 - a. Severed fixtures, crops, minerals, and wild animals may be inc.
 - b. Modern statutes-broadened scope of property, computers, etc.
 3. Asportation-carried away, slightest movement is enough.
 4. Taking-must have acquired dominion and control.
 5. Requirement of a "Trespass"-without effective consent.
 - a. Larceny by Trick-induced by deception.
 6. "Of Another"~from someone with a superior right to possession.
 - a. "Possession" v. "Custody"-if custody not larceny.

- (1) Possession requires significant authority-nature of control.
 - b. Joint owners-one owner cannot commit larceny.
 - c. Larceny from spouse-considered as one.
 - 7. Mens Rea-"Intent to Permanently Deprive"~at the time of taking.
 - a. Effect of intent-intent to borrow and return not.
 - b. Intent to sell to owner-will support a larceny conviction.
 - c. Intent to pay for property-dependending on circumstances.
 - d. Intent to return equivalent property-no larceny if identical.
 - e. Intent to collect debt-no larceny if takes the specific money believed owed.
 - f. Modern statutes-generally retain the essence of common law.
 - 8. Taking and Intent Must Coincide~at time of initial taking, afterwards forms the intent to steal, continuing trespass and is larceny.
 - 9. Special Problem Areas
 - a. Property acquired by finding
 - (1) Abandoned property-cannot be subject of larceny.
 - (2) Lost or mislaid-can be if intent to steal.
 - b. Misappropriations by employee
 - (1) Delivery by third party-not larceny if receives items.
 - (2) Delivery by employer-larceny if only custody unless considerable responsibility.
- C. Embezzlement
- 1. Statutory Crime-fraudulent conversion property of another by one already in lawful possession.
 - 2. Elements of the Crime
 - a. Conversion-serious act of interference.
 - b. Property-defined more broadly than in larceny.
 - c. Of another-complex issues, advance payments, commissions.
 - d. Lawful possession-defendant must be in lawful possession.
 - e. Fraudulent intent-not emb. if intent to return identical property.
 - 3. Demand for Return-not a formal element but facilitates proof of conversion.
- D. False Pretenses
- 1. Statutory Crime-obtaining title by means of a material false representation with intent to defraud.
 - 2. Elements of the Crime
 - a. Obtaining title-must obtain title by misrepresentation.
 - b. Property-broader than larceny, real estate, securities.
 - c. False representation
 - (1) Nature of False representation-past or existing fact.
 - (2) Materiality-material fact, controlling inducement, must be deceived.
 - d. Mens rea-know rep. is false, intend to defraud victim.
 - 3. Special Evidentiary Requirement-some require additional proof.
- E. Robbery-larceny victim's person or presence by violence or intimidation.

1. Taking from Victim's Person or Presence-within his control.
2. Taking by Violence or Intimidation
 - a. Violence-any force, pickpocket not, nor snatching.
 - b. Intimidation-threats, in fear of immediate death, bodily injury.
 - (1) MPC-do not require fear by victim.
 - c. Violence or intimidation used to take property-before or during the taking.
3. Possible Defense-Claim of Right-must honestly believe entitled to property.
4. Punishment-felony regardless of value, aggravated robbery.

F. Extortion (or Blackmail)

1. Common Law-misdemeanor by corrupt public officer under color of office.
2. Modern Statutes-obtaining property by threats.
 - a. Type of threats required~to injury, accuse of crime, expose secret.
 - b. Limitation-causation required-causal connection.
 - c. Claim of right defense-permit defense of good faith belief.
 - d. Punishment-felony.

G. Receiving Stolen Property

1. Early Common Law-no criminal liability.
2. Elements Under Modern Statutes-knowing receive property with intent to deprive.
 - a. Stolen Property-must have been stolen.
 - (1) Property recovered-no longer stolen, possible attempt.
 - b. Receiving-physical possession and exercising control.
 - c. Knowing goods are stolen-inferred from circumstances.
3. Conviction of Theft for Receiving Stolen Property-other participates.

H. Consolidation of Acquisition Offenses-Theft-exercising control, property of another, intent to permanently deprive.

1. Statutory Patterns-consolidate into single crime.
2. Punishment-degrees, grand theft felony, petty theft misdemeanor.

XII. Offenses Against Government A.

Treason

1. Ancient Definition-high treason, petit treason, class by itself.
2. Modern Formulations of the Crime—levying war against US or states.
3. Requirements-owes allegiance, intent to betray, overt act.
 - a. Special evidentiary requirement-two witnesses.
4. Misprision of Treason-concealment of known treason of another.

B. Treason-Like Crimes

1. Rebellion-incite or engage against US.
2. Advocating Overthrow of Government

XIII. Offenses Against the Administration of Justice

- A. Hindering Apprehension or Prosecution of Felon-independent crime.
- B. Misprision of Felony-requires affirmative act to conceal a felon.
- C. Compounding a Crime
 1. Common Law-one who agrees not to prosecute a felon.
 2. Modern Statutes-any offense, agreement and valuable consideration.
 3. "Settlement" of Crimes-unclear if agrees not to press charges.
- D. Perjury
 1. Common Law-giving a false statement under oath.
 2. Modern Statutes-any proceeding under authorized oath.
 3. Special Evidentiary Requirements-two witnesses generally for conviction.
 4. Effect of Retraction-many provide this defense.
 5. Subornation of Perjury-defendant must have known testimony by witness would be false.