Unit 4 The Elements of a Crime

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Department of Curriculum and Instruction

Belleville Public Schools

Curriculum Guide

Criminal Justice Seminar

Grades 10-12

The Elements of a Crime

Belleville Board of Education

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Unit Overview

In this Unit students will examine the elements of a crime. Students will define the function of intent in criminal acts and comprehend how failure to act could constitute a criminal offense. Students will discover how the prosecutor can use an inference to prove a general intent crime. Students will also learn that there is an exception to the requirement that every crime contain a criminal intent element. Students will also learn how to identify and distinguish the elements of harm and causation and how a intervening superseding cause, could effect a defendant's criminal liability.

Enduring Understanding

The elements of a crime are criminal act, criminal intent, concurrence, causation, harm, and attendant circumstances. Only crimes that specify a bad result have the elements of causation and harm. Criminal act is usually an unlawful bodily movement that is defined in a statute, or a case in jurisdictions that allow common-law crimes. The criminal act must be voluntary and cannot be based solely on the status of the defendant or the defendant's thoughts. An exception to the criminal act element is omission to act. Omission to act could be criminal if there is a statute, contract, or special relationship that creates a legal duty to act in the defendant's situation. Actual possession means that the item is on or very near the defendant's person. Constructive possession means that the item is within the defendant's control, such as inside a house or vehicle with the

defendant.

One important function of intent is the determination of punishment. In general, the more evil the intent, the more severe the punishment. Motive is the reason the defendant commits the criminal act. Motive standing alone is not enough to prove criminal intent. The Model Penal Code's criminal states of mind ranked in order of culpability are purposely, knowingly, recklessly, and negligently. Purposely is similar to specific intent to cause a particular result. Knowingly is awareness that results are practically certain to occur. Recklessly is a subjective awareness of a risk of harm, and an objective and unjustified disregard of that risk. Negligently is not being aware of a substantial risk of harm when a reasonable person would be.

Vicarious liability is the transfer of criminal liability from one criminal defendant to another based on a special relationship.
Concurrence requires that act and intent exist at the same moment. Factual cause means that the defendant starts the chain of events leading to the harm. Legal cause means that the defendant is held criminally responsible for the harm because the harm is a foreseeable result of the defendant's criminal act. An intervening superseding cause breaks the chain of events started by the defendant's act and cuts the defendant off from criminal responsibility.

Essential Questions

What are the elements of a crime?
What are the requirements of a criminal act.
What is an exception to the criminal act element?
How can an omission to act could be criminal?
What is the difference between actual and constructive possession?
What is the difference between specific and general intent?
How does the law differentiate between motive and criminal intent?
How does the the Model Penal Code rank a defendant's mental state in order of culpability?
Identify an exception to the requirement that every crime contain a criminal intent element.
What circumstances give rise to vicarious criminal liability?
How does the law distinguish between factual and legal cause?
What is an intervening superseding cause and what role does it play in a defendant's criminal liability?

Exit Skills

By the end of this Unit students will demonstrate the ability to;
List the elements of a crime.
Define the criminal act element.
Identify three requirements of criminal act.
Describe an exception to the criminal act element.

Ascertain three situations where an omission to act could be criminal.
Distinguish between actual and constructive possession.
Identify the criminal intent element required when possession is the criminal act.
Describe one important function of criminal intent.
List the three common-law criminal intents, ranking them in order of culpability.
Compare specific and general intent.
Describe an inference that makes it easier for the prosecution to prove a general intent crime.
Differentiate between motive and criminal intent.
List and define the Model Penal Code mental states, ranking them in order of culpability.
Identify an exception to the requirement that every crime contain a criminal intent element.
Explain how transferred intent promotes justice.
Describe the circumstances that give rise to vicarious criminal liability.
Define concurrence of criminal act and intent.
Distinguish between factual and legal cause.

Define intervening superseding cause, and explain the role it plays in the defendant's criminal liability.

New Jersey Student Learning Standards (NJSLS-S)

Please list only the content-level and cross-curricular **New Jersey Student Learning Standards** applicable to the unit. **Do not list standards that are not used in the unit.**

9.3.LW.1	Analyze the nature and scope of the Law, Public Safety, Corrections & Security Career Cluster and the role law, public safety, corrections and security play in society and the economy.
9.3.LW.5	Analyze the various laws, ordinances, regulations and organizational rules that apply to careers in law, public safety, corrections and security.
9.3.LW-ENF.5	Analyze the impact of federal, state and local laws on law enforcement procedures.
9.3.LW-ENF.6	Execute established procedures to avoid the violation of the rights guaranteed by the Fourth, Fifth, Sixth and Fourteenth Amendments.
9.3.LW-LEG.6	Use legal terminology to communicate within the legal services community.
SOC.6.1.12.A.14	Civics, Government, and Human Rights

Interdisciplinary Connections

Please list all and any additional **Interdisciplinary Connections/Cross-Curricular** New Jersey Student Learning Standards that link to this unit, and which are not included in the NJSLS section above.

LA.WHST.11-12.4	Produce clear and coherent writing in which the development, organization, and style are appropriate to task, purpose, and audience.
LA.WHST.11-12.7	Conduct short as well as more sustained research projects to answer a question (including a self-generated question) or solve a problem; narrow or broaden the inquiry when appropriate; synthesize multiple sources on the subject, demonstrating understanding of

	the subject under investigation.
LA.WHST.11-12.9	Draw evidence from informational texts to support analysis, reflection, and research.

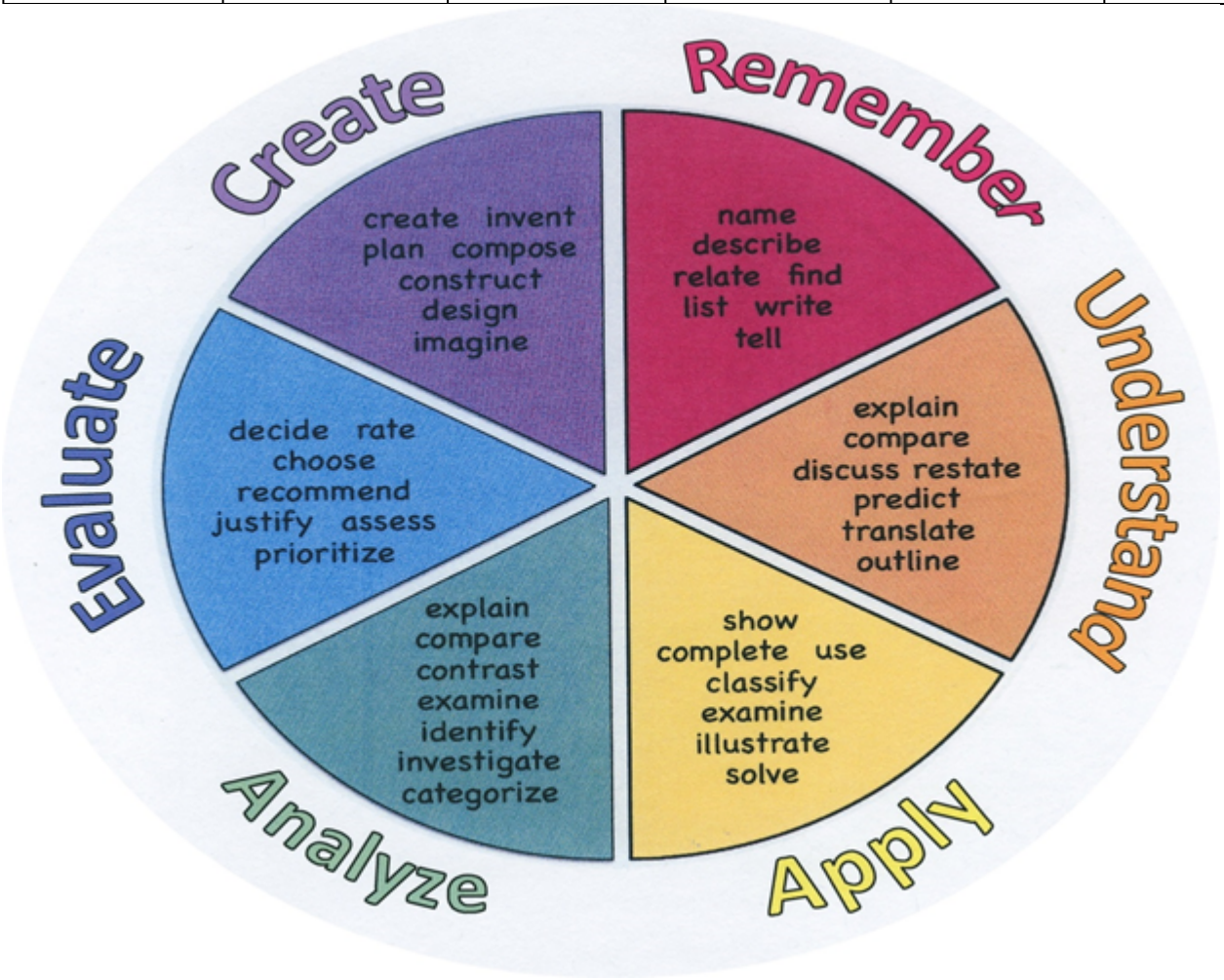
Learning Objectives

List the elements of a crime.
Define the criminal act element.
Identify three requirements of criminal act.
Describe an exception to the criminal act element.
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Define intervening superseding cause, and explain the role it plays in the defendant's criminal liability.

Action Verbs: Below are examples of action verbs associated with each level of the Revised Bloom's Taxonomy.

Remember	Understand	Apply	Analyze	Evaluate	Create
Choose	Classify	Choose	Categorize	Appraise	Combine
Describe	Defend	Dramatize	Classify	Judge	Compose
Define	Demonstrate	Explain	Compare	Criticize	Construct
Label	Distinguish	Generalize	Differentiate	Defend	Design
List	Explain	Judge	Distinguish	Compare	Develop
Locate	Express	Organize	Identify	Assess	Formulate
Match	Extend	Paint	Infer	Conclude	Hypothesize
Memorize	Give Examples	Prepare	Point out	Contrast	Invent
Name	Illustrate	Produce	Select	Critique	Make
Omit	Indicate	Select	Subdivide	Determine	Originate
Recite	Interrelate	Show	Survey	Grade	Organize
Select	Interpret	Sketch	Arrange	Justify	Plan
State	Infer	Solve	Breakdown	Measure	Produce
Count	Match	Use	Combine	Rank	Role Play
Draw	Paraphrase	Add	Detect	Rate	Drive
Outline	Represent	Calculate	Diagram	Support	Devise
Point	Restate	Change	Discriminate	Test	Generate
Quote	Rewrite	Classify	Illustrate		Integrate
Recall	Select	Complete	Outline		Prescribe
Recognize	Show	Compute	Point out		Propose
Repeat	Summarize	Discover	Separate		Reconstruct
Reproduce	Tell	Divide			Revise
	Translate	Examine			Rewrite
	Associate	Graph			Transform
	Compute	Interpolate			

	Convert Discuss Estimate Extrapolate Generalize Predict	Manipulate Modify Operate Subtract			



Suggested Activities & Best Practices

- Use of e-learning platform using Google Classroom, Oncourse and other web based services
- Reading and outlining text and other e-material
- Using outline templates and PowerPoint presentations to reinforce student outlines
- Teacher oriented class discussion
- Reaction Papers addressing legal topics and current event issues
- Discussion Questions and Unit/Lesson assessment questions
- Legal Vocabulary Review
- Unit specific Case Study exercises such as;

-*Gideon v. Wainwright* (Right to Counsel, Due Process)
-*Miranda v. Arizona* (Self-Incrimination, Due Process)

Assessment Evidence - Checking for Understanding (CFU)

- KWL Exercise-formative
- Mock Trial Project
- Cumulative outline of all lessons in Unit 4
- Reaction Papers on current event legal issues-alternate
- Legal Reasoning exercises applying the law
- Case Studies (i.e. *Gideon v. Wainwright)*
- End-of-Unit exam-summative

- Common Benchmarks
- Compare & Contrast
- Create a Multimedia Poster
- Define
- Describe
- Evaluate
- Exit Tickets
- Explaining
- Illustration
- Journals
- Multimedia Reports
- Newspaper Headline
- Outline
- Quickwrite
- Quizzes
- Self- assessments
- Socratic Seminar
- Study Guide
- Surveys
- Teacher Observation Checklist
- Think, Write, Pair, Share
- Unit review/Test prep
- Unit tests
- Web-Based Assessments
- Written Reports

Primary Resources & Materials

Please list all district-provided Primary Resources & Materials and/or those outside that are accessed with district resources.

- E-Text
- Legal research and internet articles
- PowerPoint software
- Smart T.V./District provided laptop
- E-Learning Platform;

-Google Classroom
-Oncourse
-Quia Web-based testing
-ClassLink
-Edmentum

Ancillary Resources

Please list all additional resources that will be used to strengthen this unit's lessons.

- BHS Courtroom and video system (Room 240)
- BHS Law Library (Room 240)

Technology Infusion

What **Technology Infusion** and/or strategies are integrated into this unit to enhance learning? Please list all hardware, software and strategies. Please find a technology pedagogy wheel for assistance while completing this section.

- E-Text
- PowerPoint software
- Smart T.V./District provided laptop
- Video/Audio equipment for recording and reviewing courtroom presentations
- E-Learning Platform;

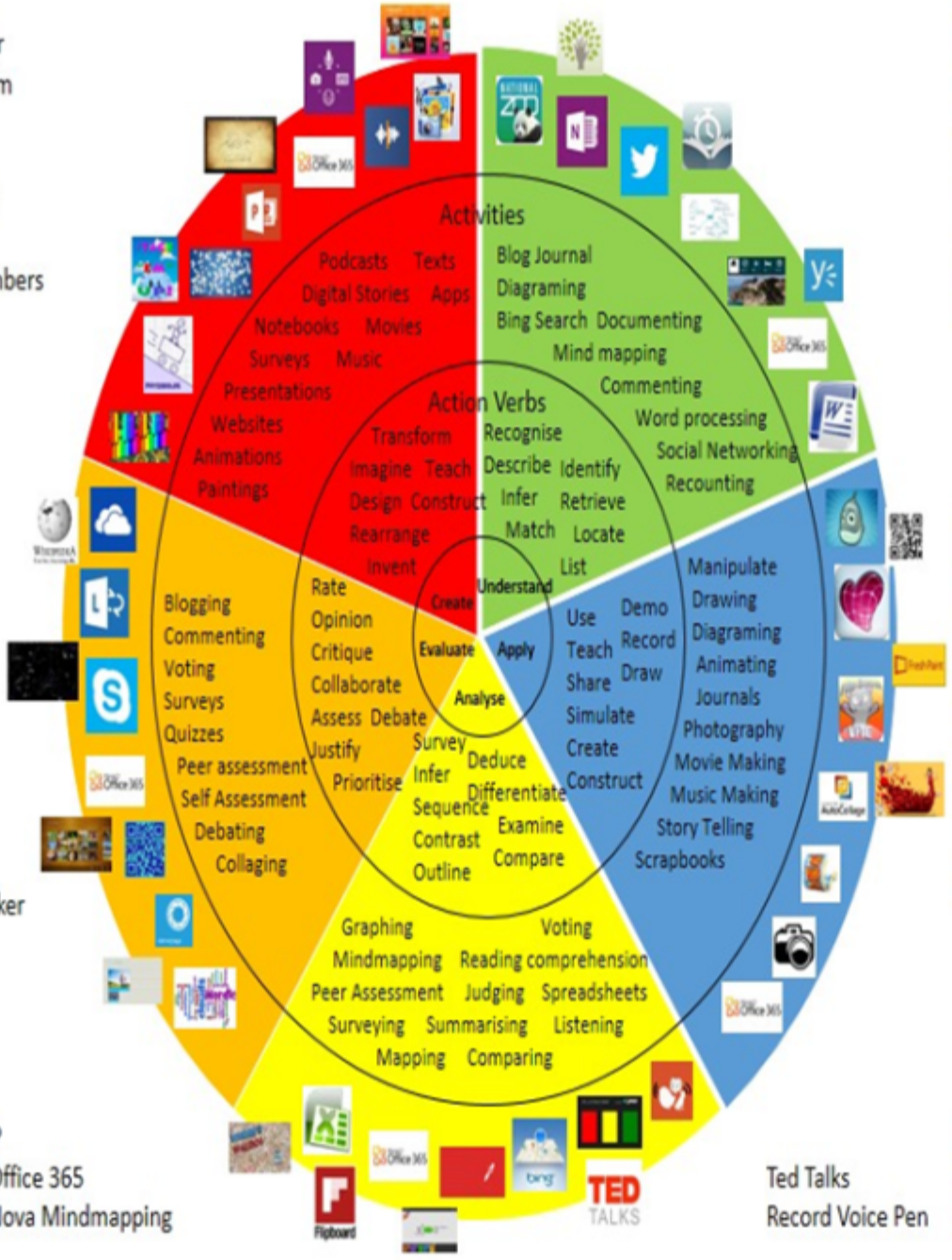
-Google Classroom

-Oncourse
-Quia Web-based testing
-ClassLink
-Edmentum

Win 8.1 Apps/Tools Pedagogy Wheel

Podcasts
Photostory 3
Kid Story Builder
Music Maker Jam
Paint A Story
Office 365
MS PowerPoint
Stack 'Em Up
NqSquared Numbers
Physamajig
Xylophone 8

Wikipedia
Skydrive
Lync
SkyMap
Skype
Office 365
Puzzle Touch
Easy QR
Memorylage
Life Moments
Word Cloud Maker



Where's Waldo?
MS Excel Office 365
Flipboard Nova Mindmapping

Ted Talks
Record Voice Pen

Originally taken from http://www.coetail.com/vzimmer/files/2013/02/iPadagogy-Wheel.001.jpg
And adapted for Windows 8.1 devices by Charlotte Beckhurst @CharBeckhurst

Alignment to 21st Century Skills & Technology

Mastery and infusion of **21st Century Skills & Technology** and their Alignment to the core content areas is essential to student learning. The core content areas include:

- English Language Arts;
- Mathematics;
- Science and Scientific Inquiry (Next Generation);
- Social Studies, including American History, World History, Geography, Government and Civics, and Economics;
- World languages;
- Technology;
- Visual and Performing Arts.

CRP.K-12.CRP1.1	Career-ready individuals understand the obligations and responsibilities of being a member of a community, and they demonstrate this understanding every day through their interactions with others. They are conscientious of the impacts of their decisions on others and the environment around them. They think about the near-term and long-term consequences of their actions and seek to act in ways that contribute to the betterment of their teams, families, community and workplace. They are reliable and consistent in going beyond the minimum expectation and in participating in activities that serve the greater good.
CRP.K-12.CRP8	Utilize critical thinking to make sense of problems and persevere in solving them.
CAEP.9.2.12.C.2	Modify Personalized Student Learning Plans to support declared career goals.
CAEP.9.2.12.C.4	Analyze how economic conditions and societal changes influence employment trends and future education.
TECH.8.1.12	Educational Technology: All students will use digital tools to access, manage, evaluate, and synthesize information in order to solve problems individually and collaborate and to create and communicate knowledge.
TECH.8.1.12.D.CS1	Advocate and practice safe, legal, and responsible use of information and technology.
TECH.8.1.12.E.CS1	Plan strategies to guide inquiry.

21st Century Skills/Interdisciplinary Themes

- Communication and Collaboration
- Creativity and Innovation
- Critical thinking and Problem Solving
- ICT (Information, Communications and Technology) Literacy
- Information Literacy

- Life and Career Skills
- Media Literacy

21st Century Skills

- Civic Literacy
- Financial, Economic, Business and Entrepreneurial Literacy
- Global Awareness

Differentiation

- Guided outlining and open outline assessments
- Project-based learning
- Problem-based learning

Differentiations:

- Small group instruction
- Small group assignments
- Extra time to complete assignments
- Pairing oral instruction with visuals
- Repeat directions
- Use manipulatives
- Center-based instruction
- Token economy
- Study guides
- Teacher reads assessments allowed
- Scheduled breaks
- Rephrase written directions
- Multisensory approaches
- Additional time
- Preview vocabulary
- Preview content & concepts
- Story guides
- Behavior management plan
- Highlight text
- Student(s) work with assigned partner
- Visual presentation
- Assistive technology
- Auditory presentations
- Large print edition
- Dictation to scribe
- Small group setting

Hi-Prep Differentiations:

- Alternative formative and summative assessments
- Choice boards
- Games and tournaments
- Group investigations
- Guided Reading
- Independent research and projects
- Interest groups
- Learning contracts
- Leveled rubrics
- Literature circles
- Multiple intelligence options
- Multiple texts
- Personal agendas
- Project-based learning
- Problem-based learning
- Stations/centers
- Think-Tac-Toes
- Tiered activities/assignments
- Tiered products
- Varying organizers for instructions

Lo-Prep Differentiations

- Choice of books or activities
- Cubing activities
- Exploration by interest
- Flexible grouping
- Goal setting with students
- Jigsaw
- Mini workshops to re-teach or extend skills
- Open-ended activities
- Think-Pair-Share
- Reading buddies
- Varied journal prompts
- Varied supplemental materials

Special Education Learning (IEP's & 504's)

- Modified assignments
- Additional time for assignments and assessments

- printed copy of board work/notes provided
- additional time for skill mastery
- assistive technology
- behavior management plan
- Center-Based Instruction
- check work frequently for understanding
- computer or electronic device utilizes
- extended time on tests/ quizzes
- have student repeat directions to check for understanding
- highlighted text visual presentation
- modified assignment format
- modified test content
- modified test format
- modified test length
- multi-sensory presentation
- multiple test sessions
- preferential seating
- preview of content, concepts, and vocabulary
- Provide modifications as dictated in the student's IEP/504 plan
- reduced/shortened reading assignments
- Reduced/shortened written assignments
- secure attention before giving instruction/directions
- shortened assignments
- student working with an assigned partner
- teacher initiated weekly assignment sheet
- Use open book, study guides, test prototypes

English Language Learning (ELL)

- Providing assignments/assessments in native language

- teaching key aspects of a topic. Eliminate nonessential information
- using videos, illustrations, pictures, and drawings to explain or clarif
- allowing products (projects, timelines, demonstrations, models, drawings, dioramas, poster boards, charts, graphs, slide shows, videos, etc.) to demonstrate student's learning;
- allowing students to correct errors (looking for understanding)
- allowing the use of note cards or open-book during testing

- decreasing the amount of workpresented or required
- having peers take notes or providing a copy of the teacher's notes
- modifying tests to reflect selected objectives
- providing study guides
- reducing or omitting lengthy outside reading assignments
- reducing the number of answer choices on a multiple choice test
- tutoring by peers
- using computer word processing spell check and grammar check features
- using true/false, matching, or fill in the blank tests in lieu of essay tests

At Risk

- Modified assignments and assessments

- allowing students to correct errors (looking for understanding)
- teaching key aspects of a topic. Eliminate nonessential information
- allowing products (projects, timelines, demonstrations, models, drawings, dioramas, poster boards, charts, graphs, slide shows, videos, etc.) to demonstrate student's learning
- allowing students to select from given choices
- allowing the use of note cards or open-book during testing
- collaborating (general education teacher and specialist) to modify vocabulary, omit or modify items to reflect objectives for the student, eliminate sections of the test, and determine how the grade will be determined prior to giving the test.
- decreasing the amount of workpresented or required
- having peers take notes or providing a copy of the teacher's notes
- marking students' correct and acceptable work, not the mistakes
- modifying tests to reflect selected objectives
- providing study guides
- reducing or omitting lengthy outside reading assignments
- reducing the number of answer choices on a multiple choice test
- tutoring by peers
- using authentic assessments with real-life problem-solving
- using true/false, matching, or fill in the blank tests in lieu of essay tests
- using videos, illustrations, pictures, and drawings to explain or clarify

Talented and Gifted Learning (T&G)

- Providing additional Case Studies for in-depth analysis

- Above grade level placement option for qualified students
- Advanced problem-solving
- Allow students to work at a faster pace
- Cluster grouping
- Complete activities aligned with above grade level text using Benchmark results
- Create a blog or social media page about their unit
- Create a plan to solve an issue presented in the class or in a text
- Debate issues with research to support arguments
- Flexible skill grouping within a class or across grade level for rigor
- Higher order, critical & creative thinking skills, and discovery
- Multi-disciplinary unit and/or project
- Teacher-selected instructional strategies that are focused to provide challenge, engagement, and growth opportunities
- Utilize exploratory connections to higher-grade concepts
- Utilize project-based learning for greater depth of knowledge

Sample Lesson

Unit Name:
Unit 4 The Elements of a Crime

NJSLS:
See Link Below

Interdisciplinary Connection:
Critical Thinking

Problem Solving

Reading- Informative text/vocabulary

Writing-analysis/evaluation

Statement of Objective:

SWDAT define the elements present in all crimes **by** reading and outlining Unit 4-1. Students will complete the outline with 100% accuracy.

Anticipatory Set/Do Now:
Read Unit 4 Hot Debate

Learning Activity:
T/O class discussion/PPT; Read and outline for Unit 4-1.

Student Assessment/CFU's:
See Link Below

Materials:
Textbook
Internet
PowerPoint
Lap-Tops

21st Century Themes and Skills:
See Link Below

Differentiation:
See Link Below

Integration of Technology:
PowerPoint
Internet
Google Classroom Webpage