

Criminal Law

Chapter Five Study Guide

5.1 Criminal Defenses

How are defenses categorized?

What is a denial or failure of proof defense?

What is an affirmative defense?

What is the burden of proof for an affirmative defense?

What is an imperfect defense? A perfect defense?

What is the difference between a factual and a legal defense?

How do justification and excuse apply in defense situations?

5.2 Self Defense

How can deadly force apply in defense cases?

What four elements must be proven in self defense?

What is provocation?

How does excessive force apply in defense cases?

What is the withdrawal exception?

How does imminence apply in self defense cases?

How does the battered wife defense apply in self defense cases?

How does retaliation negate self defense?

Why does self defense have to be proportionally reasonable?

How did the duty to retreat standard apply under common law?

What is the “stand your ground” defense?

How does the retreat doctrine apply?

What is the “castle doctrine”?

What is an imperfect defense?

5.3 Other Use-Of-Force Defenses

What other defenses apply in the law?

When can defense of others be used to offset a criminal charge?

How can the defense of property be used to offset a criminal charge?

How much force can be used in a defense of property claim?

How can a trespasser affect the defense of property claims?

What is the defense of habitation?

What three elements are necessary to justify defense of habitation?

Are “duty to retreat” claims necessary?

What is immunity from prosecution and how does this apply in defense claims?

How much force can law enforcement use to apprehend a criminal suspect?

What is the constitutional standard for law enforcement force?

When can deadly force NOT be used by law enforcement?

5.4 Defenses Based On Choice

What is the “choice of evils” defense?

What are the three elements in this defense?

When is this defense valid?

What is the “duress” defense?

What are the three elements in this defense?

5.5 Consent

When is consent commonly used?

When is consent a valid defense?

When is consent ineffective?

When is consent not knowing?

What is involuntary consent?