

Study Guide: Elements of Criminal Law

Lesson Purpose: This study guide equips law enforcement officers with a working knowledge of North Carolina criminal law. You will learn how to recognize offenses during patrol, analyze criminal elements, and determine appropriate charges or investigative steps.

Key Objectives Covered:

1. States of Mind (Mens Rea)

- **General Intent:** A basic intent to perform an act defined as criminal.
- **Specific Intent:** A deliberate intention to bring about a specific result.
- **Transferred Intent:** Intent to harm one person accidentally harms another.
- **Negligence/Recklessness:** Carelessness that results in harm.
- **Strict Liability:** No intent required; the act itself is a crime (e.g., statutory rape).

2. Bars to Prosecution and Defenses

- **Double Jeopardy:** Cannot be tried twice for the same crime.
- **Statute of Limitations:** 2 years for misdemeanors; none for felonies.
- **Defenses Include:**
 - Self-defense, necessity, public authority
 - Insanity, entrapment, unconsciousness
 - Accident, mistake, diminished capacity

3. Participants in Crimes

- **Principals:** Directly commit or act in concert.

- **Aiding and Abetting:** Encourage or assist the crime.
- **Accessory Before/After the Fact:** Help before or after the crime but not during.

4. General Crimes

- **Attempt:** Intent + act toward crime, but incomplete.
- **Conspiracy:** Agreement to commit a crime.
- **Accessory:** Assistance before or after crime, not during.

5. Felony vs. Misdemeanor

- Felonies: More serious, punishable by >1 year imprisonment.
- Misdemeanors: Lesser offenses, usually <1 year.

Criminal vs. Civil Matters

Civil Examples (No Arrests):

- Money disputes (e.g., rent)
- Landlord/tenant disagreements
- Failure to return rental property (unless intent to deprive)

Criminal Examples (Possible Arrests):

- Assault, larceny, trespass
- Domestic violence, threats

Tip: When in doubt, consult a supervisor, DA, or agency attorney.

Common Offenses to Know On Sight – ELEMENTS

1. Resist, Delay, Obstruct (RDO)

- The person willfully and unlawfully
- Resisted, delayed, or obstructed
- A public officer
- Knowing or having reasonable grounds to believe the victim was a public officer
- While the officer was discharging or attempting to discharge a duty of their office.

2. Larceny

- The taking of personal property
- Carrying it away
- Without the consent of the owner
- With the intent to permanently deprive the owner of it
- Knowing it was not their property.

3. First-Degree Trespass

- The person enters or remains
- On premises of another
- Without authorization
- That are enclosed or secured to indicate no trespassing
- Or where notice not to enter was clearly communicated.

4. Second-Degree Trespass

- The person enters or remains
- On premises of another
- After being notified not to enter

- Or where notice against entry is posted.

5. Simple Assault

- An overt act or attempt
- Or the show of violence
- With force or menace of violence
- To do immediate physical injury
- To another person
- With the apparent ability to carry it out.

6. Affray

- A fight between two or more persons
- In a public place
- Likely to cause fear to persons who witness it.

7. Carrying a Concealed Weapon

- The defendant willfully and intentionally
- Carried a weapon (e.g., handgun, certain knives)
- Concealed about their person
- While off their own premises
- Without a legal permit or statutory exception.

8. Communicating Threats

- The person willfully threatened to physically injure
- Another person, their family, or their property
- The threat was communicated to the other person

- The threat caused the other person to believe it would be carried out
 - The threat was made under circumstances that would cause a reasonable person to believe it would be carried out.
-

Hypothetical Case Analysis Skills

You should be able to read a situation and:

- Determine if a crime occurred
 - Classify the offense (e.g., affray vs. assault)
 - Identify applicable statutes or elements
-

Research Tools & References

- **NC Crimes Manual (7th Ed.)** – Detailed elements & case law
 - **NC General Statutes** – Primary source (esp. Ch. 14, 15A)
 - **Local Ordinances** – Know your jurisdiction's rules
-