Arkansas CTE

Criminal Law: Grades 9, 10, 11, 12

Adopted 2014

Investigate criminal laws under the American criminal justice system

1.1 Compare the different types of criminal laws, investigating the origins of each.

1. Assess the influence and use of criminal laws in the U.S. 1.1.1
2. Connect the history and origins of laws, to present-day applications of those laws. 1.1.2
3. Compare criminal law and civil law under the American judicial system. 1.1.3

1.2 Investigate the workings of the American judicial system, noting the influence of significant cases.

1. Examine the relationship between the divisions of the American judicial system. 1.2.1
2. Analyze the principle and application of Judicial Review. 1.2.2
3. Review major U.S. Supreme Court cases, assessing how the court's decisions have impacted the American judicial system 1.2.3

Investigate the origin and application of Constitutional Law

2.1 Assess the roles of the U.S. and state constitutions in the legal system.

1. Investigate the significance of the U.S. constitution in affording protections under the law, particularly as applied to individual rights. 2.1.1
2. Compare and contrast the Arkansas State Constitution to the U.S. Constitution, noting powers granted by each. 2.1.2
3. Determine the constitutionality of Bills of Attainder and Ex Post Facto laws. 2.1.3
4. Assess ways in which the Bill of Rights impacts criminal law at both the federal and state levels. 2.1.4
5. Assess the challenges and right to appeal under a violation of constitutional rights in the trial process. 2.1.5

2.2 Assess the inherent value of the protections afforded by constitutional amendments.

1. Critique the legality of enforcing the 1st Amendment rights of freedom of speech, religion, and assembly without impeding on another's rights. 2.2.1
2. Compare various interpretations of the 2nd Amendment and the implications of those interpretations as they relate to criminal law. 2.2.2

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3. Assess the rights of protection against compulsory self-incrimination under the 5th Amendment. 2.2.3
4. Explain how and why the 8th Amendment's prohibition against cruel and unusual punishments makes it unconstitutional for the government to criminalize a "status." 2.2.4

Analyze the concept of substantive law

3.1 Investigate the origins and elements of substantive law.

1. Connect the origins of substantive law and its purpose in the modern judicial process 3.1.1
2. Differentiate between actus reus and mens rea 3.1.2
3. Analyze the criminal statutes that include a requirement of a specific intent. 3.1.3
4. Distinguish between motive and intent, examining their relationship to mens rea. 3.1.4
5. Distinguish between strict liability and criminal liability. 3.1.5

3.2 Examine crimes that constitute Inchoate offenses.

1. Analyze the concept of intent as it applies to an inchoate offense, distinguishing between solicitation and attempt. 3.2.1
2. Identify the exceptions to prosecuting the crime of conspiracy. 3.2.2

3.3 Investigate laws that apply to crimes against persons.

1. Assess the meaning of corpus delicti and its role in crimes against persons. 3.3.1
2. Differentiate between voluntary and involuntary manslaughter. 3.3.2
3. Explain the Doctrine of Transferred Intent, differentiating between the types of intent. 3.3.3
4. Compare and contrast the crimes of assault and battery. 3.3.4
5. Investigate the Arkansas statute governing the crime of kidnapping. 3.3.5
6. Compare and contrast the degrees of sexual assault, and the conduct that distinguishes one from the other. 3.3.6

3.4 Investigate laws related to crimes against property.

1. Analyze the crime of theft in its various forms. 3.4.1
2. Explain the "property of another" as it applies to theft of jointly-owned property. 3.4.2
3. Distinguish between forgery and uttering a forged document. 3.4.3
4. Investigate the elements of a general burglary offense. 3.4.4
5. Distinguish criminal trespass from defiant trespass. 3.4.5

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Assess the elements of crimes against person or property.

1. Analyze the elements that separate robbery from common theft. 3.5.1

2. Assess the factors that constitute charges of robbery and aggravated robbery. 3.5.2

3.6 Investigate the concept of terrorism.

1. Distinguish between terrorism and terroristic threatening. 3.6.1
2. Assess the elements of crime that constitute terrorism in most states. 3.6.2

Assess the roles criminal defense and punishment in the U.S.

4.1 Investigate types of defenses and rights on which defenses may be based.

1. Compare negative and affirmative defense, evaluating defenses that attempt to excuse or justify conduct that would otherwise be criminal. 4.1.1
2. Debate whether the use of force may be justified in some instances. 4.1.2
3. Investigate the use of constitutional and statutory rights as the basis for criminal defense. 4.1.3

4.2 Critique the application of criminal defense laws.

1. Examine the present-day application and implications of "stand your ground" laws. 4.2.1
2. Debate the legality of the use of force related to corporal punishment for children. 4.2.2

4.3 Investigate the rules of evidence.

1. Investigate the rules of evidence, citing types of evidence not valid in court. 4.3.1
2. Interpret the Plain View Doctrine, Fruit of the Poison Tree, Good Faith Exception and the Exclusionary Rule as they relate to gathering valid evidence for prosecution. 4.3.2
3. Assess the weight of evidence in solicitation of prosecutions. 4.3.3
4. Identify the steps necessary to bring a conspiracy charge. 4.3.4
5. Examine the circumstances in which abandonment of the criminal purpose can have an effect on liability for an attempt, or a liability for criminal acts, done in a conspiracy. 4.3.5
6. List the parties who can be treated as principles for purposes of criminal liability. 4.3.6

4.4 Assess the use of criminal punishments as a deterrent.

1. Examine the relationship between the Cruel and Unusual Punishment clause in the 8th Amendment and the sentencing provisions of the 6th Amendment. 4.4.1
2. Assess the need for Federal Sentencing Guidelines. 4.4.2
3. Investigate reasons why the death penalty may be declared unconstitutional. 4.4.3
4. Critique the use of the "three strikes" law, noting the common characteristics of such laws. 4.4.4

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Analyze the application of Procedural Law in the criminal justice system

5.1 Assess the role of Procedural Law within the context of criminal law.

1. Discuss the implications of "procedural" law as a part of the criminal justice system. 5.1.1
2. Explain the importance of the Fourth Amendment as it relates to electronic surveillance. 5.1.2
3. Investigate how and why police officers obtain search warrants, noting exceptions to the warrant requirements. 5.1.3
4. Assess the importance and exceptions to authorizing a search or seizure warrant. 5.1.4

5.2 Analyze the need for and use of arrest, interrogation, and identification procedures.

1. Compare the differences in an arrest and an investigatory detention, and constitutional standards applicable to each. 5.2.1
2. Differentiate between probable cause and reasonable suspicion as applied to investigatory detention and arrest. 5.2.2
3. Assess the legal issues surrounding the use of roadblocks and sobriety checkpoints. 5.2.3
4. Investigate the controversy surrounding the concept of "profiling." 5.2.4
5. Assess the need for arrested persons to appear promptly before a judge. 5.2.5
6. Investigate factors courts consider in determining whether confessions are admissible into evidence. 5.2.6

5.3 Investigate the pretrial process.

1. Examine the process of pre-trial discovery, assessing the role of and need for counsel. 5.3.1
2. Hypothesize why many criminal cases do not go to trial. 5.3.2
3. Identify the types of pleas a defendant may enter, noting factors that determine whether a defendant will be granted release or remanded to custody. 5.3.3

5.4 Investigate the criminal trial process.

1. Investigate the origin of and constitutional principles applicable to the jury trial, assessing the defendant's rights under the law. 5.4.1
2. Evaluate the jury selection process, noting steps may judges take to prevent a prejudicial jury. 5.4.2
3. Investigate the mechanics of the criminal trial, investigating the powers judges have to maintain order in the courtroom. 5.4.3

5.5 Analyze the processes involved in the sentencing and punishment phase of trials.

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1. Critique the rationale behind punishment as a deterrent to crime. 5.5.1
2. Investigate how the sentencing process works in non-capital cases. 5.5.2

3. Compare and contrast the rights of inmates with the rights of victims of crime. 5.5.3
4. Critique the legal and ethical issues surrounding the use of the death penalty. 5.5.4
5. Investigate the mechanics of the criminal trial, investigating the powers judges have to maintain order in the courtroom. 5.5.5
6. Compare the mechanisms by which appellate courts review criminal convictions and sentences. 5.5.6

Assess the role of the juvenile justice system

6.1 Assess the application of federal laws to juveniles.

1. Investigate the history and evolution of the juvenile justice system in the U.S. 6.1.1
2. Assess the significant U.S. Supreme Court decisions relating to juvenile justice, evaluating their impact on the processes involved in handling juveniles. 6.1.2

6.2 Assess the application of state laws to juveniles.

1. Assess the criteria used to determine whether to charge a juvenile as an adult or as a juvenile. 6.2.1
2. Compare and contrast the Arkansas state juvenile justice system with the adult system. 6.2.2