#### DRESSLER CRIMINAL LAW OUTLINE

#### I. INTRODUCTORY POINTS

#### A. Sources of Criminal Law.

- 1. Common Law.
- Statutes Derived from Common Law.
- Model Penal Code.
- 4. (Bill of Rights)

#### B. Criminal Law v. Civil Law

- L. Criminal.
  - a. Defendant is punished (incarcerated)
  - b. The criminal conviction itself says defendant is a moral wrongdoer. It is a condemnation by the community/ "a morality play." → (Moral blameworthiness)
    - Usually about things you are not supposed to do as opposed to things you must do
- Civil.
  - a. Defendant pays victim. (compensation).
  - b. Defendant is not morally stigmatized. (tort claims)

#### C. Theories of Punishment.

- 1. Retributivism "Is it more about desert"
  - a. People should get what they deserve.
  - b. Humans have free will. If they choose to do wrong, it is appropriate to punish them.
  - c. Looks backwards. Only punishes to the extent of the wrongdoing.
  - d. Justice for the victim
    - The moral desert of an offender is a sufficient reason to punish him or her which is a necessary condition of punishment
    - Wouldn't want to punish someone mentally ill be they are not morally culpable
    - Rests on moral culpability
- 2. Utilitarianism "What good does it do"
  - Focuses on what punishing that particular person accomplishes.
  - a. All forms of pain are bad. Punishment is not good, but neither is crime.
    - Punishment is proper if imposition of pain will reduce the likelihood of future crimes.
  - b. Punishment is justified in so far as it produces some net
  - social benefit. Forward Looking
  - c. Forms of utilitarianism.
    - i. General deterrence:
      - · convince the general community to avoid
        - criminal conduct in the future
    - ii. Specific deterrence:
      - deter the individual from committing
        - additional crimes in the future
    - iii. Rehabilitation:

# **Study Guide For Criminal Law 10th Chapter**

Jennifer M. Allen, Rajeev Sawhney

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### **Table of Contents Study Guide For Criminal Law 10th Chapter**

- 1. Understanding the eBook Study Guide For Criminal Law 10th Chapter
  - The Rise of Digital Reading Study Guide For Criminal Law 10th Chapter
  - Advantages of eBooks Over Traditional Books
- 2. Identifying Study Guide For Criminal Law 10th Chapter
  - Exploring Different Genres
  - Considering Fiction vs. Non-Fiction
  - Determining Your Reading Goals
- 3. Choosing the Right eBook Platform
  - Popular eBook Platforms
  - Features to Look for in an Study Guide For Criminal Law 10th Chapter
  - User-Friendly Interface
- 4. Exploring eBook Recommendations from Study Guide For Criminal Law 10th Chapter
  - Personalized Recommendations
  - Study Guide For Criminal Law 10th Chapter User Reviews and Ratings
  - Study Guide For Criminal Law 10th Chapter and Bestseller Lists
- 5. Accessing Study Guide For Criminal Law 10th Chapter Free and Paid eBooks
  - o Study Guide For Criminal Law 10th Chapter Public Domain eBooks
  - Study Guide For Criminal Law 10th Chapter eBook Subscription Services
  - Study Guide For Criminal Law 10th Chapter Budget-Friendly Options
- 6. Navigating Study Guide For Criminal Law 10th Chapter eBook Formats
  - o ePub, PDF, MOBI, and More
  - Study Guide For Criminal Law 10th Chapter Compatibility with Devices
  - Study Guide For Criminal Law 10th Chapter Enhanced eBook Features
- 7. Enhancing Your Reading Experience
  - Adjustable Fonts and Text Sizes of Study Guide For Criminal Law 10th Chapter
  - Highlighting and Note-Taking Study Guide For Criminal Law 10th Chapter
  - Interactive Elements Study Guide For Criminal Law 10th Chapter
- 8. Staying Engaged with Study Guide For Criminal Law 10th Chapter

- Joining Online Reading Communities
- Participating in Virtual Book Clubs
- Following Authors and Publishers Study Guide For Criminal Law 10th Chapter
- 9. Balancing eBooks and Physical Books Study Guide For Criminal Law 10th Chapter
  - Benefits of a Digital Library
  - o Creating a Diverse Reading Collection Study Guide For Criminal Law 10th Chapter
- 10. Overcoming Reading Challenges
  - Dealing with Digital Eye Strain
  - Minimizing Distractions
  - Managing Screen Time
- 11. Cultivating a Reading Routine Study Guide For Criminal Law 10th Chapter
  - Setting Reading Goals Study Guide For Criminal Law 10th Chapter
  - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Study Guide For Criminal Law 10th Chapter
  - Fact-Checking eBook Content of Study Guide For Criminal Law 10th Chapter
  - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
  - Utilizing eBooks for Skill Development
  - Exploring Educational eBooks
- 14. Embracing eBook Trends
  - Integration of Multimedia Elements
  - Interactive and Gamified eBooks

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web the endocrine glands secrete hormones b hormones diffuse from interstitial fluids into the blood stream and eventually act on target cells c paracrine secretions are secretions that do not travel in the blood stream to their targets d autocrine secretions are secretions that affect the secreting cell itself

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