

Mn Criminal Code Cheat Sheet

<p>Is there an act? Must be voluntary + sleeping, unconscious, intoxicated, reflexes, convulsions</p> <ul style="list-style-type: none">• Liability of an infant: - Statutory duty, created post, special relationship, and voluntary assumption of care. Thail <p>Larceny</p> <ul style="list-style-type: none">• Taking? Amount into control• Carrying away gait<ul style="list-style-type: none">◦ CL: requires asportation.◦ MPC: no asportation.• Property?<ul style="list-style-type: none">◦ CL: tangibles, movables, not pets, not information◦ MPC: tangibles, trade secrets, pets, energy - MPC incl. excluder.• Of another?<ul style="list-style-type: none">◦ Business partner steals gait - Not at CL, modern courts say yes◦ Can steal your own stuff• To deprive permanently?<ul style="list-style-type: none">◦ Intent can be formed at any time cannot be taken back◦ Borrowing okay unless<ul style="list-style-type: none">• Done for property's useful life• Express or unreasonable risk• Place unreasonable conditions on property's return.◦ Claim of right<ul style="list-style-type: none">• If you think it is yours no intent - Need only be honest◦ To pay for taken goods<ul style="list-style-type: none">• If D intends to give equal value for a fungible good no intent• MPC/CL: only fungible goods, reasonable believe they are for sale, or an employer for sale.• Defenses to larceny:<ul style="list-style-type: none">• Voluntary intoxication diminished capacity, honest mistake of fact. <p>Larceny of lost property: Larceny + (i) intent at the time of discovery to deprive permanently; (ii) at time of taking there was reasonable due to true owner.</p> <ul style="list-style-type: none">• Have to be at the time• Later forming intent or discovering due = no liability• Forming intent at taking and then changing mind = liability <p>Mistake as to duty or law case: Larceny + (i) knowledge of mistake at the time of deliberating; (ii) intent to deprive permanently at the time of taking.</p> <ul style="list-style-type: none">• Continuity: If it's a container then time of taking = delivery; if it is not supposed to be a container then time of taking = delivery <p>MPC on loss + intent related to larceny: A person, who comes into control of property of another that he knows to have been lost, mislaid, or delivered by mistake to guilty of theft ... if he fails to take reasonable steps to restore the property to the true owner.</p>	<p>Larceny by trick: D uses deceptive means to obtain possession, but not title, of another's property</p> <ul style="list-style-type: none">• No transfer of title - V must think they are only handing over possession <p>Embezzlement: (i) Fraudulent; (ii) appropriation; (iii) of property; (iv) of another; (v) by one entrusted with possession.</p> <ul style="list-style-type: none">• Reckless gait<ul style="list-style-type: none">◦ "Intent to deprive" - does not allow borrowing. CA "intent to deprive perm." - allows borrowing, but not substitution.• Appropriation -> use inconsistent with owner's expectations or unauthorized. <p>False pretenses: (i) a misrepresentation by the D; (ii) of a present or past material fact; (iii) w/ the intent to defraud the victim; (iv) where the victim relies on the misrepresentation in; (v) transferring title to some property</p> <ul style="list-style-type: none">• Mistaken belief: (i) V must honestly rely -> not reasonable• gait on future fact<ul style="list-style-type: none">◦ CL: Statements about the future are not sufficient◦ MPC/CL: clearly false statements about one's present intentions or about what one knows will happen in the future are misrepresentations of present facts, not future facts• evidence do not count unless made by an expert w/ superior knowledge.• Threats: (i) a threat; (ii) of a present or past material fact; (iii) w/ the intent to defraud the victim; (iv) where the victim relies on the threat in; (v) transferring title to some property <p>Robbery: Larceny + (i) by force or threat of imminent force; (ii) from the person or immediate presence and control of the person</p> <ul style="list-style-type: none">• Threat of force imminent - if not think extortion• Claim of right gait<ul style="list-style-type: none">◦ CL: yes a defense◦ MPC: no defense unless actually prove it w/ your property (bankbook)• Type of force gait<ul style="list-style-type: none">◦ CL/MPC: has to be actual force or threat of serious force◦ MPC: actual force is sufficient• Timing of force gait<ul style="list-style-type: none">◦ CL: at the time of taking, force used to escape didn't count◦ MPC: force used in attempt, taking, and in flight• Armed robbery<ul style="list-style-type: none">◦ CL: possession of actual weapon even if concealed. <p>Extortion: (i) the use of a threat; (ii) is an attempt to obtain (in some jurisdictions) (iii) property of another or action by another.</p> <ul style="list-style-type: none">• Sufficient threats in CA: to injury someone person or property; to accuse the victim or his family of a crime - in the present.	<p>express the victim's deformity or disgrace; to express a secret</p> <ul style="list-style-type: none">• Claim of right gait<ul style="list-style-type: none">◦ May be defense - MPC: a defense◦ MPC: not a defense to threats of physical force is a defense if threat is to tell a secret, civil action, accuse of crime - threat must be directly tied to property.• Public trust: (i) a public office; (ii) money or influence; (iii) is obtained or attempted to be obtained; (iv) under color of office (pretense that office is entitled to the benefit by virtue of the office.• Must be paid pro quo, a more expectation of a benefit is sufficient. <p>Bribery: something of value corruptly offered or demanded with the intent to be influence an official's actions or be influenced:</p> <ul style="list-style-type: none">• CL: limited to public officials.• MPC: expanded to official action, but not political• Mens rea = corrupt intent i.e. to be influenced• Both parties are guilty.• Not a defense that benefit was not obtained or disqualification.• MPC's sufficient agreement<ol style="list-style-type: none">1. A benefit in exchange for the receiver's discretion as a public official.2. A benefit in exchange for the receiver's vote, or use of office3. A benefit in exchange of a violation of a known legal duty <p>Burglary: CL: breaking and entering the dwelling house of another person at night with the intent to commit a felony Modern: the unlawful entry of a building or structure with the intent to commit a crime</p> <ul style="list-style-type: none">• Entry: any part of body; and w/ not consent<ul style="list-style-type: none">◦ May enter w/ intent inconsistent with conditional consent of owner◦ MPC: must actually trespass, cannot consent◦ CL: had to be a house you had not right to enter• Type of crime needed:<ul style="list-style-type: none">◦ CL - felony◦ MPC - any crime◦ CA - felony or petty larceny <p>Mens rea</p> <p>Specific: Larceny, burglary, solicitation, robbery, false pretenses</p> <ul style="list-style-type: none">• Honest mistake of fact<ul style="list-style-type: none">• Voluntary intoxication is evidence• General: -> honest and reasonable mistake of fact negates MPC: purpose, knowledge (practically certain of events in future, high probability of existing fact) recklessness, negligent.• Mistake of fact must be < culpability required by the crime<ul style="list-style-type: none">• Negligent crime requires reasonable mistake <p>MPC: exemption of a minor, if under 16 and 4 years older.</p> <p>gait on mistake of fact as a defense:</p> <ul style="list-style-type: none">• May be it is a strict liability crime• Claim: yes if honest and reasonable mistake <p>Forceful rape</p> <p>comes on law: (i) sexual intercourse; (ii) by a man; (iii) not her husband; (iv) against a woman; (v) without her consent; (vi) by force, force, or threat of force; or fear or serious force.</p> <ul style="list-style-type: none">• Adolescent: -> some force or threat of force<ul style="list-style-type: none">◦ Penetration is not sufficient definitive• Mens rea: to have sex without consent<ul style="list-style-type: none">◦ gait on mistake of fact defense<ul style="list-style-type: none">• CA must be honest and reasonable <p>Attempt gait</p> <ol style="list-style-type: none">1. An intent to do an act or cause a result which constitutes a crime2. An act in furtherance of that intent that goes beyond mere preparation <ul style="list-style-type: none">• Last proximate step test -> common law• Substantial step test -> strongly corroborative of criminal purpose<ul style="list-style-type: none">◦ going to wait, unlawful entry, casting the point◦ Substitution alone is insufficient• Merges with completed crime. Can't be charged with both. <p>Defense of abandonment: CL = no def. MPC = defense if complete and voluntary</p> <ul style="list-style-type: none">• Still liable for crimes committed along the way• Can abandon after last prox step if criminal step is avoided• Can't abort D puts in motion forces causing crime & can't stop them <p>Defense of impossibility: only a defense to attempt</p> <ul style="list-style-type: none">• Fact: a mistake as to the law not a fact, always a defense
<ul style="list-style-type: none">• Reckless crime requires reasonable mistake <p>Stat of the liability + crime</p> <p>Strict liability -> public welfare crimes, no mens rea required, only the act</p> <ul style="list-style-type: none">• Penalties will be low <p>Vicarious liability -> as long as agent is acting within the scope of employment.</p> <p>Comparative liability -> gait over the employee</p> <ul style="list-style-type: none">• May want to be acting on behalf of corp. with scope of employment, but no need for authorization• May MPC, act must be authorized, requested, or recklessly tolerated by high management. <p>Mistake of law as a defense:</p> <ol style="list-style-type: none">1. When mistake of law negates a specific element of the crime2. When the law is not published3. Reasonable reliance on a statute later declared invalid4. Reasonable reliance on judicial decisions later overruled (supervening law?)5. Reasonable reliance on government official in the position to interpret the law6. Lambert, crime is pure omission, and no objective indicators exist that would give D notice of statute's existence.<ul style="list-style-type: none">• D has burden of showing by a preponderance of evidence. <p>Homicide</p> <p>Common law murder -> malice aforethought</p> <ol style="list-style-type: none">1. Intent to kill + 1st degree if RD2. Intent to cause grave bodily harm3. Extreme recklessness (depraved heart)<ol style="list-style-type: none">4. Must have conscious awareness5. If you talk about the talk about involuntary manslaughter4. Felony murder<ol style="list-style-type: none">5. 1st if listed burglary and robbery are listed in CA; 2nd if inherently dangerous <ul style="list-style-type: none">• Premeditation and deliberation<ul style="list-style-type: none">◦ Can't be met in an instant◦ Antecedent: need evidence of planning activity, cool calculated performance.◦ Mitigating factor: if not premeditated, jury can't have unchecked	<ul style="list-style-type: none">◦ social utility of D's conduct Magnitude of risk posed◦ Foreseeable of risk posed <ul style="list-style-type: none">• Recklessness or Gross negligence.• If no conscious awareness of risk, you can't go with murder <p>Felony + murder</p> <p>Must prove felony, mens rea for felony Did felony + and before murder</p> <p>1st degree if listed, burglary, arson, rape, robbery</p> <p>2nd degree if inherently dangerous, determined by the court</p> <ul style="list-style-type: none">• In the absence of CA -> An applied law<ul style="list-style-type: none">◦ If not inherently dangerous no felony murder -> go to reckless murder or involuntary manslaughter• Mercer rule: if felony is attempt it can't be basis for felony murder charge<ul style="list-style-type: none">• CA - independent purpose test and includes Burglary w/ intent to commit assault may merge• Did someone besides D actually cause the death?• Proximate cause: if death is as foreseeable, in the rule of proximate• Aggravated death: person who caused death must be a co-felon. (in CA) <p>Mistake of fact - not a defense</p> <p>Malice: purposefully, knowingly, or recklessly under circumstances manifesting extreme indifference to the value of human life. (does not grade murder)</p> <ul style="list-style-type: none">• Recklessness is presumed if D is attempting or committing robbery, burglary, rape, kidnapping -> shifts burden on D to rebut <p>Manslaughter:</p> <ul style="list-style-type: none">• Homicide otherwise murder but committed under the influence of extreme mental or emotional disturbance, for which there is a reasonable explanation. Reasonableness is determined from the viewpoint of a person in the actor's shoes.• Recklessly, and they also have negligent homicide <p>Death penalty by (Mistake of fact)</p> <p>Must have: first degree; and aggravating factors outweighing mitigating factors</p> <ul style="list-style-type: none">• Alford v. Georgia: jury can't have unchecked	<p>Mens rea</p> <p>Specific: Larceny, burglary, solicitation, robbery, false pretenses</p> <ul style="list-style-type: none">• Honest mistake of fact<ul style="list-style-type: none">• Voluntary intoxication is evidence• General: -> honest and reasonable mistake of fact negates MPC: purpose, knowledge (practically certain of events in future, high probability of existing fact) recklessness, negligent.• Mistake of fact must be < culpability required by the crime<ul style="list-style-type: none">• Negligent crime requires reasonable mistake <p>MPC: exemption of a minor, if under 16 and 4 years older.</p> <p>gait on mistake of fact as a defense:</p> <ul style="list-style-type: none">• May be it is a strict liability crime• Claim: yes if honest and reasonable mistake <p>Forceful rape</p> <p>comes on law: (i) sexual intercourse; (ii) by a man; (iii) not her husband; (iv) against a woman; (v) without her consent; (vi) by force, force, or threat of force; or fear or serious force.</p> <ul style="list-style-type: none">• Adolescent: -> some force or threat of force<ul style="list-style-type: none">◦ Penetration is not sufficient definitive• Mens rea: to have sex without consent<ul style="list-style-type: none">◦ gait on mistake of fact defense<ul style="list-style-type: none">• CA must be honest and reasonable <p>Attempt gait</p> <ol style="list-style-type: none">1. 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MN Criminal Code Cheat Sheet

Understanding the intricacies of the Minnesota criminal code can be challenging for both legal professionals and individuals navigating the justice system. The MN criminal code cheat sheet serves as a concise resource, summarizing key aspects of Minnesota's criminal laws, providing clarity on various offenses, and outlining the penalties associated with them. This article aims to break down the fundamental components of the Minnesota criminal code, offering a comprehensive guide that can assist anyone looking to grasp the essentials of criminal law in the state.

Overview of Minnesota Criminal Code

The Minnesota criminal code is encapsulated in Chapter 609 of the Minnesota Statutes. It outlines definitions, classifications of offenses, and corresponding penalties. The code is designed to maintain public safety, define unacceptable behaviors, and establish a legal framework for prosecuting criminal offenses.

Classification of Offenses

Minnesota categorizes offenses into several classes, each carrying different levels of severity and corresponding penalties:

1. **Felonies:** The most serious category of offenses, felonies in Minnesota can result in imprisonment for more than one year and/or heavy fines. Examples include:
 - Murder
 - Sexual Assault
 - Robbery
2. **Gross Misdemeanors:** These offenses are less severe than felonies but more serious than misdemeanors. Penalties can include up to one year of imprisonment and/or fines. Examples include:
 - DWI (Driving While Impaired)
 - Assault in the fifth degree
3. **Misdemeanors:** Considered the least serious criminal offenses, misdemeanors can result in up to 90 days of imprisonment and/or fines. Examples include:
 - Disorderly conduct
 - Theft of property valued under \$1,000
4. **Petty Misdemeanors:** These are non-criminal violations punishable by fines only, with no possibility of jail time. Examples include:
 - Traffic violations
 - Minor consumption of alcohol

Key Offenses in Minnesota Criminal Code

Understanding specific offenses is crucial for anyone studying the MN criminal code. Below are some of the notable categories and examples of offenses:

Violent Crimes

Violent crimes involve the use or threat of force against individuals. These offenses include:

- Murder (First and Second Degree): Severe penalties, including life imprisonment.
- Assault: This can range from fifth-degree assault (a misdemeanor) to first-degree assault (a felony).
- Robbery: Taking property from a person through force or intimidation.

Property Crimes

Property crimes involve the theft or destruction of someone else's property. Key property crimes include:

- Burglary: Entering a building with the intent to commit a crime.
- Theft: Taking someone else's property with the intent to permanently deprive the owner of it.
- Vandalism: Willfully damaging property.

Drug Offenses

Minnesota has strict laws regarding controlled substances. Drug offenses are categorized based on the type and amount of drug involved:

- Possession: Simple possession can be a misdemeanor or felony depending on the substance and amount.
- Trafficking: Selling or distributing drugs carries severe penalties, often classified as felonies.
- Manufacturing: Producing illegal drugs can lead to significant prison time.

Sex Crimes

Sex crimes are serious offenses that include:

- Sexual Assault: Defined under various degrees, penalties increase with the severity of the offense.
- Child Pornography: Possession or distribution of child pornography is a felony with severe penalties.
- Prostitution: Engaging in or promoting prostitution can involve misdemeanors or felonies based on the circumstances.

Driving Offenses

Driving offenses include a range of violations related to the operation of a motor vehicle:

- DWI (Driving While Impaired): Penalties escalate with the number of offenses and blood alcohol concentration (BAC).
- Reckless Driving: Driving with a willful disregard for the safety of persons or property.
- Driving Without a License: Operating a vehicle without a valid driver's license can lead to fines and additional penalties.

Punishments and Sentencing

Minnesota's criminal code outlines specific penalties associated with various offenses. The sentencing guidelines take into account factors such as the severity of the crime, prior criminal history, and the presence of any aggravating or mitigating circumstances.

Sentencing Guidelines

The Minnesota Sentencing Guidelines Commission provides a framework for determining appropriate sentences based on offense severity and the offender's criminal history. Key elements include:

- Presumptive Sentences: These are recommended sentences based on severity levels and criminal history.
- Aggravating Factors: Circumstances that may increase the severity of a sentence, such as prior offenses or the use of a weapon.
- Mitigating Factors: Circumstances that may decrease a sentence, such as lack of prior criminal history or evidence of rehabilitation.

Restorative Justice Programs

Minnesota has embraced restorative justice principles, focusing on repairing harm caused by criminal behavior. These programs emphasize accountability and reconciliation between offenders and victims, offering alternatives to traditional punitive measures.

Legal Process in Minnesota's Criminal Justice System

Navigating the MN criminal code involves understanding the legal process, from arrest through trial and potential sentencing.

Arrest and Charges

The process typically begins with an arrest, followed by:

- Booking: Recording the suspect's information and charges.
- Initial Appearance: The defendant appears before a judge to be informed of charges and rights.

Pre-Trial Process

This stage involves several steps, including:

1. Bail Hearing: Determining the conditions for release before trial.
2. Preliminary Hearing: Assessing whether there is enough evidence to proceed to trial.
3. Plea Bargaining: Negotiating a plea deal to avoid trial.

Trial and Sentencing

If a case goes to trial, the following occurs:

- Jury Selection: Selecting a jury to hear the case.
- Trial Proceedings: Presentation of evidence and arguments by both prosecution and defense.
- Verdict: The jury delivers a verdict of guilty or not guilty.
- Sentencing: If found guilty, the judge will impose a sentence based on guidelines.

Conclusion

The MN criminal code cheat sheet serves as an essential tool for understanding the complexities of Minnesota's criminal laws. By categorizing offenses, outlining penalties, and explaining the legal process, this guide provides clarity for individuals navigating the criminal justice system. Whether you are a legal professional, a student, or someone simply seeking knowledge about Minnesota law, this cheat sheet is a valuable resource for grasping the critical elements of criminal law in the state.

For anyone facing charges or seeking advice, consulting with a qualified attorney familiar with Minnesota's criminal code is crucial for navigating legal challenges effectively.

Frequently Asked Questions

What is a cheat sheet for the Minnesota Criminal Code?

A cheat sheet for the Minnesota Criminal Code is a concise reference guide that summarizes key laws, definitions, and penalties related to criminal offenses in Minnesota.

Where can I find a reliable MN Criminal Code cheat sheet?

Reliable MN Criminal Code cheat sheets can often be found on official government websites, legal aid organizations, or resources provided by law schools in Minnesota.

What are the major categories covered in the Minnesota Criminal Code?

The major categories in the Minnesota Criminal Code include offenses against persons, property crimes, drug offenses, white-collar crimes, and public order offenses.

Is there a difference between felonies, misdemeanors, and gross misdemeanors in Minnesota?

Yes, in Minnesota, felonies are the most serious offenses with harsher penalties, misdemeanors are less severe with lighter penalties, and gross misdemeanors fall in between the two categories.

How can a cheat sheet help in understanding criminal law in Minnesota?

A cheat sheet can simplify complex legal language, provide quick access to important statutes, and aid in understanding the consequences and procedures related to criminal charges.

What are common defenses available under Minnesota law?

Common defenses under Minnesota law include self-defense, defense of others, alibi, lack of intent, and mental illness.

How often is the Minnesota Criminal Code updated?

The Minnesota Criminal Code is updated regularly, typically during the legislative session, to reflect new laws or changes to existing laws.

Can a cheat sheet be used in legal proceedings?

While a cheat sheet can be a useful study aid, it is not a substitute for official legal documents and should not be used as authoritative evidence in legal proceedings.

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"Need a quick reference? Our MN Criminal Code cheat sheet simplifies key laws and penalties.

Discover how to navigate Minnesota's legal system effectively!"

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