

CRIMINAL PROCEDURE - Crimes Against Justice

CLASSIFICATIONS:

I. Crimes Against Public Health & Morality

A. Prostitution

B. Indecent Exposure

C. Constitutional Limits

D. Pornography and Obscenity

1. *(First Amendment: "Congress shall make no lawabridging the freedom of speech or of the press)*
2. *Miller v. California Test: 1. Average person applying contemporary community standards would find the work appeals to prurient interests, 2., work displays/describes in a patently offensive way, sexual contact specifically described, 3., whether the work, taken as a whole, lacks serious literary, artistic, political or scientific value*
3. *Simple possession at home is not a crime*

E. Child Pornography: May be limited even if not obscene.

F. Gambling:

II. Drug Crimes

A. Controlled Substances: Simple possession is criminal

B. possession with intent to sell: Enhanced penalties

Narcotic: opium and derivatives, morphine, heroin, coca

C. Schedules

1. opium, heroin, morphine, marijuana, mescaline
2. Cocaine, coca, methadone
3. amphetamines, barbiturates, LSD, steroids
4. barbitol, chloral hydrate

5. codeine, etc.,

D. Sales

E. Proof: Crime labs

1. Possession: Simple possession is criminal.
2. Actual possession: immediate possession
3. Constructive possession: custody and control.
4. Cars: presumption of ownership based on ownership of the vehicle.

III. Driving Under the Influence: Lower BAC from .10 to .08.

Mandatory jail time. Vehicle forfeiture.

A. Prosecution can be for operating while impaired, or operating which having a measureable test result, or both.

B. Proof:

1. Roadside sobriety tests:
 - a) nystagmus.
 - b) Breath screen. Equals probable cause.
2. Implied consent laws. Denial of a sample is withdrawn consent, ending with withdrawn license.
3. Blood and breath tests.

IV. Crimes Against Justice:

A. Bribery: offering a thing of value in order to influence the actions of a public official

B. Commercial Bribery:

C. Perjury: (President Clinton: elements: false statement about a material fact made under oath with knowledge that the statement is false)

D. Resisting arrest: Requires some violence or physical resistance

E. Obstruction of justice: Shielding others from arrest, interfering with an arrest, helping somebody escape, concealing a crime, misleading investigators.

F. Invasion of privacy: Listening in, when not a party to the conversation.

G. jury tampering: (old law, "embracery" bribes or threats.

H. witness tampering:

V. Crimes Against Public Order

A. carrying a concealed weapon: knowing carrying concealed weapon, outside of home.

1. Concealed weapons permits.

a) "shall issue" rules.

(1) "full faith and credit.

b) Glove compartment.

c) Firearms as contraband.

B. Public Fighting (affray)

C. Terrorism

D. riot

E. inciting a riot

F. unlawful assembly.

G. Disorderly conduct, breach of peace

H. threats

I. harassment

J. vagrancy and loitering

K. drunkenness

L. begging

M. tax crimes

N. cruelty to animals

