Chapter 7: Crime and the Business Community

Elements of a crime:

Actus Reus: wrongful behavior or guilty act

Mens Rea: wrongful state of mind, such as purpose, knowledge, recklessness, or negligence (guilty mind)

Classification of crimes:

Felonies: serious crimes punishable by imprisonment for greater than one year, or death

Misdemeanors: less serious crimes punishable by fines, or imprisonment for less than one year

Petty offenses: minor misdemeanors punishable by small fines or short jail sentences

Crimes Affecting Business

Property Crimes: robbery, burglary, larceny, arson

"White Collar" Crimes: bribery, extortion, fraud, embezzlement, computer crimes

Types of Fraudulent Crimes

Forgery Fraudulent Concealment
Defalcation Mail Fraud
False Entries Health Care Fraud
False Tokens "Ponzi" Schemes
Check "Kiting" "Pretexting"

Mortgage Fraud Real Estate Fraud

Defenses to Crimes

Infancy Insanity Necessity
Mistake Duress Justifiable Use of Force
Intoxication Entrapment

Constitutional Safeguards:

The Fourth Amendment: protection from "unreasonable search and seizure"; restrictions on warrants

The Fifth Amendment: prohibition of "double jeopardy"; right not to incriminate oneself; right to "due process"

The Sixth Amendment: right to a speedy and public trial; right to a trial by an impartial jury; right to be informed of the accusations against oneself; right to confront witnesses; right to have witnesses on one's side; right to counsel at various stages of the proceedings.

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