Module 3: Criminal Law

3.4: Legal Defenses

**Coercion:** The practice (usually criminal) of using force or the threat of force to gain compliance.

**Deadly Force:** An amount of force likely to cause serious bodily injury or death if used against a person.

**Duress:** A legal defense available to a person who does something against their will under threat of harm.

**Entrapment:** A type of criminal defense where the accused claims that they would not have done the criminal act if it were not for substantial encouragement by police.

**Excuse:** A type of criminal defense where the accused admits to the criminal act, but maintains that they are not blameworthy because of extenuating circumstances.

**Imminent Danger:** A potential harm that is likely to occur at any moment.

**Insanity Defense:** A criminal defense based on the idea that a person who commits a crime because of a mental disease or defect is not culpable.

**Involuntary Intoxication:** A criminal defense based on the logic that the defendant should not be held liable because he or she acted criminally due to an intoxication that the defendant did not cause.

**Irresistible Impulse Test:** An insanity defense test that asks if the defendant could or could not control his or her actions.

**Justification:** A legal defense based on a claim that the act, while usually criminal, was right under the particular circumstances.

**Lesser of Two Evils Defense:** A legal defense based on the idea that a small harm can sometimes be necessary to prevent a greater harm from occurring; another name for the necessity defense.

**M'Naghten Rule:** A legal test of insanity that hinges in the defendant's inability to know right from wrong; originated in an English court case in 1843, making it the first major test for insanity.
Mistake Defense: A mistake as to the facts and circumstances surrounding an event can sometimes be a defense to criminal charges; a mistake of law is never an excuse.

Mistake of Fact: A mistake as to the facts and circumstances surrounding an event can sometimes be a defense to criminal charges.

Mistake of Law: A mistake of law is never an excuse.

Necessity Defense: A legal defense based on the idea that a small harm can sometimes be necessary to prevent a greater harm from occurring; another name for the necessity defense.

Non–deadly Force: Force that is not likely to cause death or-serous bodily injury.

Not Guilty By Reason of Insanity: A plea that must be entered (in some jurisdictions) when the defendant is planning to use an insanity defense; some jurisdictions call this "guilty but mentally ill."

*Parsons v. State*(1887): An important Alabama Supreme Court case decided in 1887 that established the Irresistible Impulse Test of insanity.

Self–defense: A criminal defense that allows for the use of force to protect one's self from harm, as well as the protection of others.

Solicitation: The crime of inducing another person to commit a crime, usually for money.

Substantial Capacity Test: The Model Penal Code test for insanity that includes elements of the M'Naughten rule as well as elements of the irresistible impulse test.

Voluntary Intoxication: A state of intoxication knowingly and voluntarily entered into; not a viable criminal defense.