

Criminal Justice: An Overview of the System

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 serious 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.