



CALIFORNIA BAR EXAM
MULTIPLE-CHOICE QUESTION EXAM CONTENT MAP
CRIMINAL LAW AND PROCEDURE

The topics listed below are illustrative of those covered in Criminal Law and Procedure, but are not exhaustive. The percentages listed next to each section represent the approximate percentage of questions on the exam that will be drawn from this subject.

CRIMINAL LAW

I. General Principles – 6%

- A. Sources of Criminal Law
 - 1. Common law
 - 2. Modern law
 - 3. Model Penal Code
- B. Classification of Crimes
- C. Elements of Crimes
 - 1. *Actus reus*
 - 2. *Mens rea*
 - 3. Causation
- D. Merger Doctrine

II. Crimes against the Person – 12%

- A. Homicide
 - 1. Murder
 - a. Common-law murder
 - (1) Intent to kill
 - (2) Intent to inflict serious bodily harm
 - (3) Reckless disregard for risk to human life
 - (4) Felony murder
 - b. Statutory murder
 - (1) First-degree murder
 - (2) Second-degree murder
 - 2. Manslaughter
 - a. Voluntary manslaughter
 - b. Involuntary manslaughter
- B. Assault
- C. Battery
- D. False imprisonment
- E. Kidnapping
- F. Mayhem
- G. Rape

III. Crimes against Property – 12%

- A. Larceny
- B. Larceny by trick
- C. False pretenses
- D. Robbery

- E. Embezzlement
- F. Extortion
- G. Forgery
- H. Possession offenses
 - 1. Receipt of stolen property
 - 2. Controlled substances
 - 3. Firearms
- I. Arson
- J. Burglary

IV. Inchoate Offenses – 6%

- A. Solicitation
- B. Conspiracy
- C. Attempt
- D. Defenses

V. Parties to Crime – 7%

- A. Principals
- B. Accomplices
- C. Accessories
- D. Scope of liability

VI. Defenses – 7%

- A. Excuse Defenses
 - 1. Responsibility
 - a. Insanity
 - b. Diminished capacity
 - c. Intoxication
 - 2. Infancy
 - 3. Mistake
 - a. Mistake of fact
 - b. Mistake of law
 - 4. Impossibility
 - a. Factual impossibility
 - b. Legal impossibility
 - 5. Entrapment
 - 6. Consent
- B. Justification Defenses
 - 1. Self-defense
 - 2. Imperfect self-defense
 - 3. Defense of others
 - 4. Defense of dwelling
 - 5. Defense of property
 - 6. Duress
 - 7. Necessity

CRIMINAL PROCEDURE

I. Fourth Amendment – 9%

- A. Arrest and Detention
- B. Searches and Seizures
 - 1. Warrant requirement
 - 2. Exceptions to warrant requirement

II. Fifth and Sixth Amendments—Statements, Confessions, and Identifications – 9%

- A. Statements and Confessions
 - 1. Voluntary statements
 - 2. Waiver
- B. Identifications
- C. Right to Confrontation

- D. Double Jeopardy
 - 1. Attachment
 - 2. Underlying Offense
 - 3. Separate Sovereignities Doctrine
 - 4. Retrial after Attachment
 - 5. Effect on Sentencing

III. Sixth Amendment—Other Rights of the Accused – 8%

- A. Right to Jury Trial
- B. Right to Speedy Trial
- C. Right to Public Trial
- D. Right to Counsel
- E. Right to Fair Trial
- F. Rights during Discovery

IV. Exclusionary Rule – 8%

V. Post-Trial Rights – 8%

- A. Eighth Amendment
- B. Rights during Sentencing
- C. Appeal
- D. Writ of *Habeas Corpus*

VI. Other Considerations – 8%

- A. *Ex Post Facto* Crimes
- B. Retroactivity of Later Decisions
- C. Fourteenth Amendment Identifications
- D. Competency