How many conspiracies?
RICO

- (a) Wide list of eligible predicate offenses under §1961(1)
- (b) Important expansion of federal jurisdiction (many of the §1961(1) offenses are not normally federal crimes); and
- (c) The steep penalty enhancement triggered by RICO (a §1961(1) offense punishable by just over 1 year under state law become a RICO offense punishable by up to 20 years under federal law if the RICO elements are satisfied).
Justification v. Excuse

♦ Justification: Society deems that the defendant made the right choice and did the right thing under the circumstances of the case.

♦ Excuse: Society does not condone the defendant’s conduct, but rather excuses it on the basis that he or she can not be held responsible for the conduct.
Peterson

- Threat of **Unlawful** force by the aggressor,
- **Imminent** peril of death or serious bodily harm,
- Responsive force has to be **proportional**,
- Reasonable belief in necessity of force (objective & subjective).
MPC §3.09(2)

- Did the Defendant believe that the use of force was necessary?

- Was the belief formed recklessly?
  - Guilty of Manslaughter: §210.3
  - Or Murder: §210.2(1)(b) - (if extreme recklessness)

- Was the belief formed negligently?
  - Guilty of Negligent Homicide: §210.4
♦ ABSOLUTE DEFENSE: Guilty or not guilty.

♦ IMPERFECT DEFENSE: Guilty of manslaughter (since no ‘malice’)

♦ MULTI-TIERED APPROACH: (MPC) Guilty of Manslaughter or Negligent Homicide.