

ACCT 324 Final Exam Study Guide

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

Defalcation

False Entries

False Tokens

Check "Kiting"

Fraudulent Concealment

Mail Fraud

Health Care Fraud

"Ponzi" Schemes

"Pretexting"

Mortgage Fraud

Real Estate Fraud

Defenses to Crimes

Infancy

Mistake

Intoxication

Insanity

Duress

Entrapment

Necessity

Justifiable Use of Force

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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