



Class 2

Criminal Law



Actus Reus (guilty act) Requirement

- ▶ For any person to be convicted of a crime (including traffic violations) the person must have committed some kind of **voluntary act** that led to the crime.
- ▶ This means that the defendant must have actually done something that led to the crime under his own **free will**.
 - ▶ Doing something negligently or where the person should have known of a danger that would come from the act is enough to be considered a crime.



Actus Reus (guilty act) Requirement (cont.)

- ▶ Thus, a person cannot be punished for having a seizure at the wheel of his car if it was involuntary; but he can be punished for getting behind the wheel the car when he knew that the seizure was a substantial risk.
- ▶ The requirement for actus reus is very small; you don't have to voluntarily do the crime; you just have to voluntarily do the act that leads to the crime.
 - ▶ e.g., *Kansas v. Baker*, 11 Kan. App. 2d 4 (1985)
- ▶ Under the Eighth Amendment, a protected group may not be punished
 - ▶ *Robinson v. California*, 370 U.S. 660 (1962)

Omissions

- ▶ A failure to act is generally not considered a criminal act.
 - ▶ Most states in the U.S. do not have a “Good Samaritan” law.
- ▶ Exceptions: an omission is an actus reus if:
 1. there is a **familial relationship** between the parties
 2. there is **special relationship** between the parties in which one party is responsible for the safety of another
 3. there is a **contractual obligation** on the part of one person to protect the other
 4. the person's rescue efforts **cause other that causes others to abandon** their rescue attempts
 5. **defendant places victim in harm's way**; the defendant has a duty to rescue
 6. there is a **statutory duty** to act

Mens Rea (guilty mind) Requirement

- ▶ General rule: A person must have some level of malevolent (malicious) intent or at least some level of negligence to be convicted of a crime
- ▶ Types of mental states necessary to constitute a crime:
 1. **Specific Intent:** Intending and desiring the specific result to result
 - ▶ (e.g., robbery)
 2. **General Intent/ Malice:** Intentionally acting in a manner that is likely to cause the illegal result, while not necessarily wishing for the result
 - ▶ (e.g., arson)
 3. **Recklessness:** Knowing the risk entailed by the action while not knowing that the illegal result will happen; consciously ignoring the risk
 - ▶ (e.g., involuntary manslaughter)



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QUIZ TIME!



Mens Rea (guilty mind) Requirement (cont.)

4. **Negligence:** Being unreasonable in failing to perceive a risk
 - ▶ (e.g., Criminally Negligent Homicide)
5. **Strict Liability:** Applies to a violator regardless of intent
 - ▶ (e.g., speeding)

- ▶ Model Penal Code Formulation:
 - ▶ Purpose
 - ▶ Knowledge
 - ▶ Recklessness
 - ▶ Negligence

Causation Requirement

- ▶ **A person cannot be guilty of committing a crime unless his or her actions were the legal cause of the resulting crime**
- ▶ Two elements for causation:
 - 1. Causation in fact** (“but-for” causation): Were it not for the act, the resulting crime would not have happened.
 - ▶ Exception: concurrent acts that combine to cause a result (both actors can be criminally liable)
 - 2. Proximate (legal) causation:** The resulting crime must be a foreseeable result of the act. If the chain of causation is too attenuated, there is no causation.

Causation Requirement (cont.)

- ▶ Intervening cause does not sever criminal liability if the resulting action is foreseeable.
 - ▶ e.g., doctor's malpractice causing victim to die; the person who caused the injury can still be convicted of homicide
- ▶ Superseding cause (intervening cause that's not foreseeable) does sever criminal liability
 - ▶ e.g., another person's criminal or intentional tortious act can be a superseding cause