

***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.
- 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

General Rule: Except as specifically excepted below, a failure to act is, generally, not considered a criminal act. (Most states in the U.S. do not have a “Good Samaritan” law).

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)

QUIZ TIME

***MENS REA* (guilty mind) Requirement (cont.)**

- (1) **Negligence**: Being unreasonable in failing to perceive a risk
(e.g. Criminally Negligent Homicide)
- (2) **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
- **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