

Case Brief

Crim law: the actus reus requirement, liability for omissions

1/26/15

Identity of Case

People v. Beardsley, 113 N.W. 1128 (Mich. 1907)

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Summary of Facts, Procedural History

Defendant Beardsley invites the deceased over for a weekend while his wife is out of town. They drink an awful lot, she orders morphine tablets and tries to kill herself. He knocks them out of her hand, but stops there, lies her on the bed after she has taken some, and she eventually dies. Sued for failure to fulfill the duty of care to take care of her since she was in his home as his mistress. As a result of such failure, she died...

Convicted in trial court, overturned on appeal.

Statement of the Issue

Does a man have a legal duty to care for the mistress in his home?

Holding

Where the relationship is not one of husband and wife, or one of a committed couple who may as well be husband and wife, there is no duty to care as he has not brought her under her protection.

Reasoning

They found that their history together (and the fact that she slept with *a lot* of men) indicated that he did not take her into his protection. The law is reluctant to impose a duty on others to act.

Evaluation

Agree with the outcome, but they didn't have to put her sex life on trial to get there.