

Criminal Law Section 4

Weeks 3 and 4

- I. Actus Reus (review)
 - a. Will not punish someone for a status
 - b. Timeline arguments: at what time do actions stop being voluntary? How far back do we look for a voluntary act that lead to the crime (State v. Decina, Martin).
 - c. Omissions: you are only responsible for failing to act when you have a duty to act.
- II. Model Penal Code
 - a. A creation of law professors who see the mess of statutes and common law and sigh.
 - b. The Model Penal Code is similar to the restatements: it is out there and influential, but not necessarily the law. It is an attempt to create a uniform code that makes crim law more consistent and easier to understand.
- III. The Mens Rea Requirement
 - a. Broad sense: culpability generally. Are they responsible? (not really a definition).
 - b. Narrow definition: the particular mental state provided for in the definition of the offense.
 - i. Common law: a plethora of various "mens reas" that are not consistently defined.
 - ii. Model Penal Code (MPC): purposely, knowingly, recklessly, and negligently.
 1. Purposely: with intent. Meant to do what they did, perhaps planned it out.
 2. Knowingly: with knowledge of what they were doing, or an intentional blind eye to avoid culpability.
 3. Recklessly: consciously disregarding an unjustifiable and substantial risk, acting without concern for an obvious negative result
 4. Negligently: failure to meet a duty of care, reasonable person standard.
 - c. Protection for those accused of a crime
 - i. Federal constitution: the floor. This is the *minimum* amount of protection needed.
 - ii. State constitutions: can protect an individual more than federal constitution, but not less.
 - iii. Legislation: protects individuals by providing a list of elements necessary to convict of a certain crime, mental state is an important one of those.
 - d. Regina v. Carrington
 - i. Defendant takes the gas meter out of his cellar, accidentally leaves the gas open which partially suffocates plaintiff mother in law in the next apartment. Criminal culpability? "Whosoever shall knowingly administer to or cause to be administered to or taken by any other person any poison or other destructive or noxious thing..."
 - ii. MPC hypotheticals: what if the defendant had been charged under the mens rea definitions in the MPC?
 1. Purposely:
 - a. Was it his conscious object in his behavior to cause his mother in law to inhale gas? Or was he aware of the attendant circumstances of his conduct?

b. Obviously not, his intent was to take off the gas meter, but that intent does not transfer to the mother.

2. Negligently

a. A person acts negligently when he should be aware of a substantial and unjustifiable risk that the material element exists...should he have been aware that taking the meter off was a substantial and unjustifiable risk?

b. Yeah, even if he was not aware he should have been. (probably).

3. Knowingly

a. Did he know that his conduct or the nature of the circumstances would result in poisoning his mother in law, or was it practically certain that this result would occur?

b. There were no facts to show that he knew this would cause gas to leak.

4. Recklessly

a. Did he consciously disregard a substantial and unjustifiable risk?

b. There is no evidence that he knew it was likely to leak and decided to pull the meter off the wall anyways. He would have to know of the nature of the risk and not care

c. Different from knowledge: you know what will happen vs. you don't care what will happen.

e. United States v. Yermian, 468 U.S. 63 (1984)

i. Yermian was applying for a job. He lied on his application, then he lied on his security clearance in order to make it consistent with his application.

ii. Fraudulent misrepresentation: "Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully...makes any false, fictitious, or fraudulent statements or representations...shall be fined."

iii. Basis for appeal: statutory interpretation. Yermian argues that he did not know he was within the jurisdiction of any federal agency, and that the statute interpreted correctly requires knowledge of both the lie and the jurisdiction.

iv. Nope.

f. State v. Fugate

i. The defendant was robbing a convenience store with a gun, and took the victim into the basement and shot him, after hitting him with the gun multiple times. Defendant did not testify, appeals on the sufficiency of the evidence. Was intent to kill sufficiently proved?

ii. Held, you can prove intent from the surrounding circumstances based on the reasonable certainty that something would result from the defendant's actions.

iii. You can also consider the manner of inflicting the wounds - how could Fugate's actions really be considered accidental?

iv. How to prove intent? Order of preference

1. The defendant admits intent

2. Eye/ear witness states they heard him say he intended to kill

3. Defendant's actions can indicate purpose

a. Did he plan ahead?

