

Case Brief

Crim law, the actus reus requirement

1/26/15

Identity of Case

Commonwealth v. Howard, 402 A.2d 674 (Pa. Super. 1979)

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Summary of Facts, Procedural History

Howard lived with her boyfriend and her 4 year old daughter. Both beat the daughter. Boyfriend injured the daughter so badly that she died. Mother sued on failure of duty to act to protect her daughter. Conviction upheld on appeal.

Statement of the Issue

Did the mother have a duty to protect her child? Did she fail that duty to the level where she can be held criminally liable?

Holding

A mother has a duty to protect her child, and when they act recklessly by consciously disregarding a substantial and unjustifiable risk, the omission is enough to support a criminal conviction.

Reasoning

Appellant witnessed and had full knowledge of a continuing pattern of severe beatings, abuse, and torture inflicted on her child and did nothing, not even discouraging the boyfriend or reporting him to the authorities. She raised nothing in her defense except for insufficiency of the evidence. Court doesn't buy it.

Evaluation