

Case Brief

Crim law, the actus reus requirement

1/26/15

Identity of Case

Martin v. State, 17 So.2d 427 (1944)

Page 156 of the casebook

Summary of Facts/Procedural History

Police were somehow called to Martin's home, where they found him drunk. They carried him bodily out onto the street, and then arrested him for public intoxication.

Overtaken on appeal.

Statement of the Issue

Does an action forced by the government fulfill the requirement for actus reus?

Holding

An act must be voluntary, i.e. taken under the actor's own volition and not someone else in order for it to support a conviction of a crime.

Reasoning

Although Martin was intentionally drunk, and probably being belligerent as a result of his intentional intoxication, he would not have been on the street (and therefore in the public) if it were not for state actors. Just not fair. Beyond entrapment.

Evaluation