

# The Elements of a Crime

To convict someone of a crime the crown must prove that two elements existed



# The Elements of a Crime

Actus Reas:

The Guilty Action



# The Elements of a Crime

Mens Rea

The Guilty Mind or  
Intention



**Action + Intent+ Crime**

In proving the accused is guilty  
the Crown must prove that the  
accused committed the action



In proving mens rea the crown must prove that the accused had the intent to commit the offence,



**FACEPALM**

When d'oh isn't enough.

ROFLRAZZI.COM

# MENS REA

**Intent:** the person meant to do something wrong, was reckless of the consequences,

CCC uses words such as willfully or intentionally



# There are 2 Types of Intent

## **General Intent:**

Commit the crime  
for the crimes sake :  
committed assault  
as the accused was  
angry

General Intent Crimes  
are easier to prove





# There are 2 Types of Intent

## **Specific Intent:**

Committed the crime for  
another person:  
committed assault to aid  
with robbery

If the crown wants to  
charge the accused with  
a crime of specific intent  
they must prove Actus  
Reus and Mens Rea for  
all charges



# Motive

Is the reason  
someone may have  
to commit a crime.  
Intent is not Motive



# Knowledge

Is an awareness of certain facts that can be used to establish mens rea.



# Criminal Negligence

A reckless disregard for the lives and safety of others, sometimes causing serious injury or death



# Criminal Negligence

Section 219 (1) of the  
Canadian Criminal Code

Every one is criminally  
negligent who  
in doing anything, or  
in omitting to do anything that  
it is his duty to do ,  
shows wanton or reckless  
disregard for the lives and  
safety of others



# Wilful Blindness

a deliberate closing of one's mind to the possible consequences of one's actions.



# Liability Offences

Usually deal with  
regulatory offences

Liability Offences do  
not require MENS  
REA

There are two types



# Strict Liability Offences

Only defence available is “due diligence. Basically something bad happened and you took every reasonable precaution to avoid the bad thing.





# Absolute Liability Defences

Once crown establishes the offence took place and the accused is responsible they are guilty.

Accused cannot be jailed for these offences only fines. Usually traffic law related.

