The Elements of a Crime

To convict some one 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

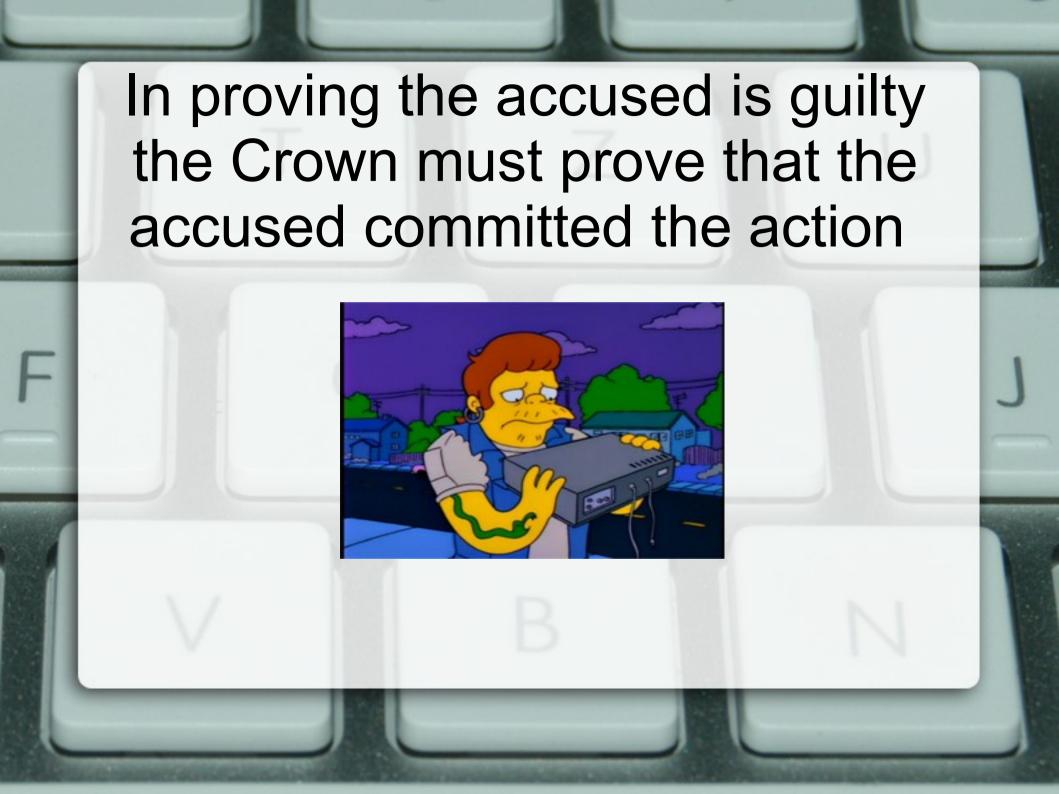
Mens Rea

The Guilty Mind or

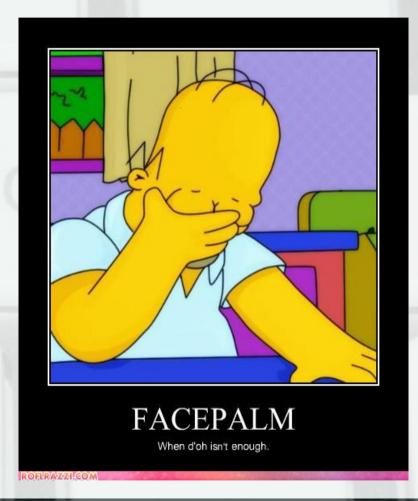
Intention







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



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

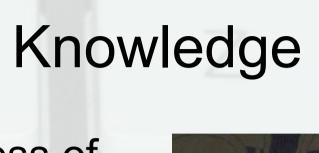
If the crown wants to charge the accused with a crime of specific intent they must prove Actus Reus and Mens Rea for all charges



Motive

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





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.

