

MPC - HOMICIDE: ACTUS REUS, MENS REA, CAUSATION

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Homicide

210.2(1)(a) Murder (1st degree)

- "it is committed purposely or knowingly"
- Mens Rea 2.02(2)(a) or (b)
 - (a) Purposely
 - "if element involves...**a result**, it is his conscious object...to cause such result"
 - "if element involves **attendant circumstances**, he is aware of existence of such circumstances or believes or hopes they exist"
 - (b) Knowingly
 - "if element involves **attendant circumstances**, he is aware...that such circumstances exist"
 - AND**
 - "if element involves **result** of conduct, aware that it is practically certain that his conduct will cause such a result"

210.2(1)(b) Murder (2nd degree)

- "it is committed **recklessly** under circumstances manifesting **extreme indifference** to the value of human life"
- Mens Rea 2.02(2)(c)
 - *Recklessly* - when he **consciously disregards** a substantial and unjustifiable risk that the material element exists or will result from his conduct
 - Risk must be of such nature and degree that, considering nature and purpose of actor's conduct and **circumstances known to him**, its disregard involves **a gross deviation from standard of conduct that a law-abiding person would observe in the actor's situation**

210.3(1)(b) Manslaughter

- "a homicide which would otherwise be murder is committed under the influence of extreme mental or emotional disturbance [**such that the actor loses self-control**] for which there is a reasonable explanation or excuse"
 - "The reasonableness of such explanation or excuse shall be determined from the viewpoint of a person in the actor's situation under the circumstances as he believes them to be"
- Two step process
 - (*SUBJECTIVE*) Some evidence that D was truly suffering from an "extreme mental or emotional disturbance" at time of killing
 - Not necessarily based on underlying psychiatric disorder
 - Simply need evidence of facts to demonstrate loss of self control by D
 - (*OBJECTIVE*) RE: reasonableness of disturbance
 - Would a reasonable person in D's situation, under circumstances (i.e. facts) as **D believed them to be**, have lost their self-control and killed the victim.
 - Objective analysis would be decided by jury under appropriate instructions.

210.4(1) Negligent Homicide

- "it is committed negligently"
- Mens Rea 2.02(2)(d)
 - "he should be aware of a **substantial and unjustifiable risk** that the material element exists or will result from his conduct"
 - Risk must be of such a nature and degree that actor's failure to perceive it, considering nature and purpose of his conduct and circumstances known to him, involves a **gross deviation from the standard of conduct that a reasonable person** would observe in the actor's situation

SUMMARY - Mens Rea

	Attendant Circumstances	Results
Purpose	D is aware (believes)	D's conscious objective to cause
Knowledge	D is aware (believes)	D believes that his conduct is practically certain to cause
Recklessness	D suspects (but does not believe)	D believes the risk and takes it for certain reasons that do not justify taking that risk
Negligence	D is unaware, but a reasonable person would have been aware (would have believed)	D unaware of risk, but a reasonable person would have been aware of that risk

Causation 2.03

- Cause of a result when:
 - Antecedent but for which the result in question would not have occurred
 - "but for" - actual cause
- Jury decides whether:
 - "actual result is too remote or accidental in its occurrence to have a just bearing on actor's liability or gravity of offense"
 - "proximate cause"