

Chapter 4

4.1 Self Check

Give one example each of a felony, misdemeanor, and petty offense. In what important ways do these offenses differ?

Answers will vary. It is important to remember that many felonies, such as fraud, are nonviolent. The key differences among these crimes are the level of criminal misconduct involved and the severity of the punishment.

4.2 Self Check

Explain why these five elements of criminal responsibility are required.

These five elements are necessary to show that the crime did occur by the defendant with the intent to commit the crime at the time of its commission, and also to prove that the criminal act did in fact cause harm.

4.3 Self Check

1. How can omissions legally be treated as the *actus reus*?

When a person has a legal duty to act or intervene in a certain situation, such as paying taxes or providing basic care for his or her child, this failure to take action causes a criminal result and therefore is a criminal action.

2. How can words legally be treated as the *actus reus*?

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When words can constitute a threat or cause further physical actions that cause harm, they are considered to be the *actus reus* of a crime. An example of this is yelling “Fire!” in a crowded theater, which causes a stampede.

4.4 Self Check

1. Explain the doctrine of transferred intent. Though a “legal fiction,” is this doctrine valid? Why or why not?

Many people agree that it is valid because the necessary elements of a crime are present and harm has been done. Additionally, most believe that although the intended victim is not harmed, the defendant should be liable for the harm caused by his or her actions.

2. How do purpose and knowledge differ in regard to liability?

Purpose refers to an actor’s conscious object to commit a crime, and knowledge refers to a reasonable certainty that one’s conduct will cause a particular result.

4.5 Self Check

1. Explain how causation is tested.

There are two steps: 1) The accused person’s act must be the cause-in-fact of the result, and 2) if it was, the accused person’s actions must also be the proximate cause of the result.

2. What concurrence of elements is necessary to constitute a crime?

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There are two components: The *mens rea* and the *actus reus* must occur simultaneously, and the accused must hold the motivation to commit a specific crime.