

Elements of a Crime

1. **Actus Reus.** Actus reus is often characterized as the *physical part* of a crime. In most cases, it describes what the offender must do. A murder statute will require the offender to “kill,” an arson law will punish people who “set fire to” a structure, and theft may require someone to “take” something
 - a. **Voluntary Act:** The defendant’s act must be voluntary.
 - b. **Circumstances:** Many Crimes occur only in a specifically described situation. For example, bribery of a juror requires that the person bribed have been a juror (not another official).
 - c. **Harm or result:** Many criminal laws require a specific harm to have occurred before the statute applies. In murder, there must be a person killed, and in arson, there must be a burned structure.
 - d. **Causation:** Often a statute requiring harm (such as death or an explosion) also requires that the defendant cause that harm. Causation links the defendant’s conduct to the result.
 - i. **“But for,” “Cause in Fact,” or “Actual” causation** is the simplest form of causation. It simply provides that a particular result (such as death) would not have occurred without the defendant’s action.
 - ii. **Proximate causation** is narrower than “but for” causation. Proximate causation is limited to the foreseeable consequences of the defendant’s actions.
2. **Mens Rea.** Mens Rea is often characterized as the *mental requirement* in a criminal law. Modern statutes often use four categories of mens rea: intentionally (or purposefully or willfully), knowingly, recklessly, and with criminal negligence.

Statutes

First Degree Murder: RCW 9A.32.030

- (1) A person is guilty of murder in the first degree when:
 - (a) With a premeditated intent to cause the death of another person, he or she causes the death of such person or of a third person; or
 - (b) Under circumstances manifesting an extreme indifference to human life, he or she engages in conduct which creates a grave risk of death to any person, and thereby causes the death of a person; or
 - (c) [Felony Murder—not covered in this exercise]

Second Degree Murder: RCW 9A.32.050

- (1) A person is guilty of murder in the second degree when:
 - (a) With intent to cause the death of another person but without premeditation, he or she causes the death of such person or of a third person; or
 - (b) [Felony Murder—not covered in this exercise]

First Degree Manslaughter: RCW 9A.32.060

- (1) A person is guilty of manslaughter in the first degree when:
 - (a) He recklessly causes the death of another person; or
 - (b) He intentionally and unlawfully kills an unborn quick child by inflicting any injury upon the mother of such child.

Second Degree Manslaughter:

- (1) A person is guilty of manslaughter in the second degree when, with criminal negligence, he causes the death of another person.

Rape of a Child in the third Degree (Statutory Rape): RCW 9A.44.079

- (1) A person is guilty of rape of a child in the third degree when the person has sexual intercourse with another who is at least fourteen years old but less than sixteen years old and not married to the perpetrator and the perpetrator is at least forty-eight months older than the victim.

Defenses: RCW 9A.44.030

- (2) In any prosecution under this chapter in which the offense or degree of the offense depends on the victim's age, it is no defense that the perpetrator did not know the victim's age, or that the perpetrator believed the victim to be older, as the case may be: PROVIDED, That it is a defense which the defendant must prove by a preponderance of the evidence that at the time of the offense the defendant reasonably believed the alleged victim to be the age identified in subsection (3) of this section based upon declarations as to age by the alleged victim [i.e. over the age of 16 or less than 48 months apart in age]