

Mens rea and defense

Law, Common Law



Axia College Material Appendix B Mens Rea and Defense Directions Read the seven case scenarios in Box 2. 3 on p. 31 in The Courts in Our Criminal Justice System. Choose three of the seven case scenarios to answer. Then, indicate which bulleted case scenarios you selected (1-7). Determine whether the individuals possess mens rea; if yes, then what type (reckless negligence, culpable negligence, or felony-murder rule). If there is no mens rea, write None. Then, determine what type of general defense (if any) could be used. If no general defense is applicable, write “ Other. ” Briefly explain your rationale. Post this assignment as an attachment.

1st Case Scenario
 Bullet Point # Mens Rea Y / N Type of Mens Rea Type of Defense Rationale (50 to 75 words in length)
 2 N Culpable negligence Other In this scenario, there is no general type of defense that the man can use other than it was an accident. But it was a careless mistake and he should have been responsible enough to know not to play a game with a real gun. At the age of 21 he has no defense do justify what he did.

2nd Case Scenario
 Bullet Point # Mens Rea Y / N Type of Mens Rea Type of Defense Rationale (50 to 75 words in length)
 3 N Reckless negligence Other The woman did not intend to kill her friend by leaving her in the car. It was not the woman’s fault that her friend got drunk, she was just trying to help her by letting her sleep it off, but due to the irrational decision and not thinking of how hot the car could become could land her with some type of criminal charge.

3rd Case Scenario
 Bullet Point # Mens Rea Y / N Type of Mens Rea Type of Defense Rationale (50 to 75 words in length)
 6 Y Felony-murder rule Other There are many types of defense the shooter could use like Affirmative Criminal Defense, the Insanity defense, Intoxication, etc. But each of these defenses would be hard

to prove when the situation of the prosecution was already in process towards the shooter due to his previous criminal past. In most cases such as this one, not many judges or juries will agree with the defense and find the defendant not guilty.