

Intention in criminal law essay sample

[Law](#), [Crime](#)



Explain the term “ intention” as the mens rea of a crime using decided cases to support your explanation. The Latin word mens rea, when translated means ‘ guilty mind’ is defined in the Black’s Law Dictionary as “ the state of mind that the prosecution, to secure a conviction, must prove that a defendant had when committing a crime.”

Intention is ‘ the purpose or design with which an act is done. It is the foreknowledge of the act, coupled with the desire of it, such foreknowledge and desire being the cause of the act, inasmuch as they fulfil themselves through the operation of the will. An act is intentional if, and in so far as, it exists in idea before it exists in fact, the idea realising itself in the fact because of the desire by which it is accompanied.” This paper will seek to explain the term “ intention” as the mens rea of a crime by using literature and case laws. The criminal law directs that before an accused can be convicted of a criminal offence the prosecution must prove beyond a reasonable doubt that the actus reus (guilty act) coincided in law time with mens rea (guilty mind).

There are only two state of mind which constitutes mens rea, and they are intention, and recklessness. Intention is regarded as the most culpable state of mind for many heinous criminal offences such as murder. Intention as the mens rea of a crime can either be direct intention (purpose intent) or indirect or oblique intention (foresight intent). Where an accused intended a particular outcome of the unlawful voluntary act the mens reas was one of direct intent. On the other hand where an accused engaged in a dangerous act but claims that his primary purpose was to achieve something other than to kill or harm the mens rea is said to be one of indirect or oblique intention.

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For example, if an accused planted a bomb on an aeroplane knowing that it will explode and the passengers would die but does not seem to care as long as he obtains his objective to destroy the plane then he would have direct intention of mens rea to commit the crime because the consequences of the action were desired