

Corpus delecti essay sample



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Corpus delicti is simply defined as the body of the crime. However, there are several elements that make up corpus delicti. The two main elements that will be discussed are actus reus (guilty act) and mens rea (guilty mind).

These elements must be proven for corpus delicti to be present.

The guilty act or actus reus is the actual crime that has been committed. The concept of culpability or blameworthiness is the key element in actus reus. If a degree of culpability is not met then there can not be a guilty act. It is up to the state to prove actus reus. The state must prove all of the elements of actus reus based upon statute law that already exists.

The first degree of culpability is acting purposely. A crime that is purposely committed would be first degree murder. The act is planned and thought through. The person committing the act has a specific motive for what he is doing. A specific event occurs as a result of the planning and motive of the person committing the act. The principle of expressed malice is present in acting purposely. The malice is expressed through the planning, motive and result of the act.

The second degree of culpability is acting knowingly. Second degree murder is an example of acting knowingly. A person shooting into a crowd and killing someone they did not know or have motive to kill would in most cases be second degree murder. To act knowingly, the person must have the capacity to commit the act. He must also know the result which will occur from the act committed.

The third degree of culpability is acting recklessly. Voluntary manslaughter is an example of acting recklessly. A reckless act lacks malice. The person had

no intent to commit the act. If the actions of the accused leading up to the act had been different, then the act may not have happened. For example, if the person has several drinks containing alcohol and hits a small child with his vehicle and kills it, he would be considered to have been acting recklessly.

The fourth and final degree of culpability is acting negligently.

Involuntary manslaughter is an example of acting negligently. An infant drowning in the tub because his mother left the room before properly securing him in a proper way would be a more specific example. The key to acting negligently is omitting to do something that should have been done.

There may be aggravating and mitigating circumstances that may exist within these degrees of culpability. Also to be considered are the legal and extralegal circumstances. In law, guilty acts contain certain elements that must be present. Each one of these elements must be proven. The standard of proof is “beyond a reasonable doubt”. This standard is defined differently by each person sitting on a jury. A common definition must be reached before a verdict can be reached.

The next element of corpus delicti is mens rea or the guilty mind. Doli capax means capable of understanding. This means that the person committing the act had the capacity to tell right from wrong. The act was committed under free will.

Doli incapax is the incapability of understanding due to a defect of understanding that removes free will. There are several different general defects as well as different situational influences that may affect the capacity to

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understand. States have different definitions and tests to determine these defects. The burden lies with the defense to prove *doli incapax*.

The first general defect of understanding is infancy. This basically means the person was too young to know the difference between right and wrong. It is left up to the individual states to determine the age at which a person has the capacity to know the difference. There is a lot of gray area in most states definitions of this defect.

The second general defect of understanding is idiocy. Idiocy is also defined by each state. It may include someone who is mentally retarded. Someone that has been kept away from civilization and has no understanding of laws and customs may also be included.

The third general defect of understanding is lunacy. This is also called insanity. It is important to know that insanity is a legal term and not a medical term. Someone who is insane has no real concept of the real world. They may act under influences such as voices or hallucinations.

The fourth general defect of understanding is involuntary intoxication. Involuntary intoxication would be if someone put a mind altering drug into another persons drink and that caused them to commit the act. The burden of proof is on the defense to prove that they did not know about the substance and that it was the cause of the act.

There are also defects that may occur at the time of the guilty act.

Misadventure is when there is no way the person could conclude the result would happen. For example, a man throws a bag of garbage on a burning

pile of leaves. The bag contained an empty aerosol can that explodes killing his neighbors' son. The man could not have had any idea that throwing the trash on the fire would kill the child.

Another defect that may occur at the time of the guilty act is ignorance of the fact. The person does not know the cause and effect relationship between their actions and the result. For example, if you give someone an aspirin that is highly allergic to them but does not know it and the person dies as a result. It may not be apparent exactly what has caused the person's death.

Coercion is one a defect of understanding from an external influence. This occurs a lot in hostage and kidnapping situations. The victims sometimes begin to trust and relate to the people holding them. This is known as "Stockholm Syndrome".

Necessity is another defect of understanding from an external force. Someone committing an act that if they had not they would not have survived is considered necessity. For example, the soccer team that crashed in the mountains and was forced into cannibalism to survive.

There is an exception called strict liability. This means all that matters is the guilty act. The CEO of a chemical company may not know that his refinery is dumping harmful toxins into the river but because of the act, he is liable.

There are a few elements that are important to remember about corpus delicti. The first element is that there has to be a guilty act. The second is that there has to be a guilty mind or will. Next is that depending on

circumstances, the burden of proof may shift either to the state or defense. The final element to remember is that corpus delicti also has an exception, meaning strict liability.

References

Taylor, W (2004) Lectures and course syllabus. CJ 325