Legal Duty to Act

♦ Statutes (i.e. physician reporting, filing taxes)
♦ Status relationship (i.e. parent/child, husband/wife, master/apprentice, ship’s master/crew & passengers, innkeeper/inebriated customers)
♦ Contracts
♦ Torts
  - Voluntary assumption of care to exclusion of others.
  - Creation of Risk
Mens Rea: MPC

Section 2.02

- Purpose
- Knowledge
- Recklessness
- Negligence
Material Elements: MPC

♦ NATURE OF CONDUCT: MPC 1.13(5): Action or omission & its accompanying state of mind

♦ ATTENDANT CIRCUMSTANCES (external conditions which must exist when Defendant engages in conduct)

♦ RESULT
Burglary (NY)

♦ **NATURE OF CONDUCT:** knowingly entering or remaining unlawfully in a building with intent to commit a crime

♦ **AC:** building is a dwelling

♦ **RESULT:** D. enters or remains in a building.

♦ **MENS REA:** knowingly & intent
MPC 2.02(4)

Prescribed Culpability Requirement Applies to All Material Elements. When the law defining an offense prescribes the kind of culpability that is sufficient for the commission of an offense, without distinguishing among the material elements thereof, such provision shall apply to all the material elements of the offense, unless a contrary purpose plainly appears.
Burglary (Cal.)

- **NATURE OF CONDUCT**: enters house, room apartment or other building with intent to commit grand/petit larceny or any felony
- **AC**: (burg 1) inhabited dwelling house
- **RESULT**: D. enters or remains in a building.
- **MENS REA**: intent
Mistake of Fact: Thursday

- Look at statute – list out the material elements of the crime.

- What mens rea is set forth in the statute?

- What elements does mens rea apply to?

- Does the mistake of fact “negative” the requisite mens rea? (i.e. is the mistake relevant to the requisite mens rea?)