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
MPC 2.02(3)

Culpability Required Unless Otherwise Provided. When the culpability sufficient to establish a material element of an offense is not prescribed by law, such element is established if a person acts *purposely, knowingly or recklessly* with respect thereto.
Destruction of Property (D.C.)

♦ NATURE OF CONDUCT: Maliciously cutting down or destroying by girding or otherwise any standing or growing vine, bush, shrub, sapling or tree on the land of another.

♦ AC: at least $50.

♦ RESULT: destruction of property.

♦ MENS REA: maliciously
Destruction of Property (N.Y.)

- NATURE OF CONDUCT: intentionally damaging property which he has no right to damage nor any reasonable grounds to believe he has right to damage.
- AC: exceeds $1500.
- RESULT: destruction of property.

- MENS REA: intentionally & reasonable
MPC Rules of Statutory Interpretation

- 2.02(1): Crimes require mens rea of negligence, at minimum.
- 2.02(2): Definitions of mens rea.
- 2.02(3): If a statute is silent as to mens rea, minimum requirement is recklessness.
- 2.02(4): If a statute specifies a mens rea, it applies to all material elements, unless a contrary purpose plainly appears.
- 2.02(5): Pyramid
Specific Intent v. General Intent

♦ Crimes that require a special mental element above and beyond any mental state required with respect to the actus reus of the crime.
  – Burglary: entering or remaining unlawfully with the intent to commit a crime.

♦ Crimes that require the mens rea of knowledge or intent rather than recklessness or negligence.
Mistake of Fact

♦ 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?)
Prince

♦ NATURE OF CONDUCT: Unlawfully taking a girl:
  – out out the possession and
  – against the will of her father etc.
♦ AC: under 16, unmarried
♦ RESULT: girl taken out of possession
♦ MENS REA: none in statute
  Knowledge (acting without parents’ consent)