



Elements of a Crime

A crime involves two things:

- A voluntary physical act, which in Latin is called *actus reus*, or “guilty act”
- A mental state, which in Latin is called *mens rea*, or “guilty mind”

In order for a crime to have been committed, both the physical act and the mental state must be present at the same time.

Bobby is angry with a coworker, Ivan. Bobby decides to drive back to the office and hit Ivan in the head with a big rock. Hitting Ivan in the head with a rock would be considered battery, which is a criminal act. Because he intends to hit Ivan in the head with the rock for the purpose of harming him, Bobby has the required mental state for a crime. On the way to the office, Bobby runs over a small rock that shoots out from under his tire and accidentally hits Ivan in the head. Did Bobby commit a crime? Write two or three sentences for your answer.

Jurisdiction

If a state’s criminal law is violated, the criminal case will be tried in that state’s judicial system. In a case involving criminal activity in multiple states, a state will have jurisdiction over that case if any criminal act was committed in that state; a criminal act committed outside of that state causes harm in that state; a criminal act was committed outside of that state, but an attempt to commit the crime or a conspiracy to commit the crime happened inside that state; or the crime involved an act or omission (failure to act) that constituted the neglect of a duty imposed by that state’s law.

Kerry and three of his friends are vacationing in Michigan. While there, they plot to abduct Victor when they get home to Ohio. Three days later, while Kerry and his friends are in Wisconsin, they see Victor and abduct him right there. In what state or states can Kerry and his friends be tried for kidnapping? Write two or three sentences for your answer.

