Using handouts 2 and 3 which define the elements of a crime and the definitions of murder, read each of the hypothetical cases and answer the questions at the end of each one.

Handout #2: Elements of a Crime

1. **Actus Reus.** Actus reus is often characterized as the *physical part* of a crime. In most cases, it describes what the offender must do. A murder statue will require the offender to “kill,” an arson law will punish people who “set fire to” a structure, and theft may require someone to “take” something
   a. **Voluntary Act:** The defendant’s act must be voluntary.
   b. **Circumstances:** Many Crimes occur only in a specifically described situation. For example, bribery of a juror requires that the person bribed have been a juror (not another official).
   c. **Harm or result:** Many criminal laws require a specific harm to have occurred before the statute applies. In murder, there must be a person killed, and in arson, there must be a burned structure.
   d. **Causation:** Often a statute requiring harm (such as death or an explosion) also requires that the defendant cause that harm. Causation links the defendant’s conduct to the result.
      i. **“But for,” “Cause in Fact,” or “Actual” causation** is the simplest form of causation. It simply provides that a particular result (such as death) would not have occurred without the defendant’s action.
      ii. **Proximate causation** is narrower than “but for” causation. Proximate causation is limited to the foreseeable consequences of the defendant’s actions.

2. **Mens Rea.** Mens Rea is often characterized as the *mental requirement* in a criminal law. Modern statutes often use four categories of mens rea: intentionally (or purposefully or willfully), knowingly, recklessly, and with criminal negligence.
Handout #3: Statutes

First Degree Murder: RCW 9A.32.030
1. A person is guilty of murder in the first degree when:
   a. With a premeditated intent to cause the death of another person, he or she causes the death of such person or of a third person; or
   b. Under circumstances manifesting an extreme indifference to human life, he or she engages in conduct which creates a grave risk of death to any person, and thereby causes the death of a person; or
   (c) [Felony Murder—not covered in this exercise]

Second Degree Murder: RCW 9A.32.050
1. A person is guilty of murder in the second degree when:
   (a) With intent to cause the death of another person but without premeditation, he or she causes the death of such person or of a third person; or
   (b) [Felony Murder—not covered in this exercise]

First Degree Manslaughter: RCW 9A.32.060
1. A person is guilty of manslaughter in the first degree when:
   (a) He recklessly causes the death of another person; or
   (b) He intentionally and unlawfully kills an unborn quick child by inflicting any injury upon the mother of such child.

Second Degree Manslaughter:
1. A person is guilty of manslaughter in the second degree when, with criminal negligence, he causes the death of another person.

Rape of a Child in the third Degree (Statutory Rape): RCW 9A.44.079
1. A person is guilty of rape of a child in the third degree when the person has sexual intercourse with another who is at least fourteen years old but less than sixteen years old and not married to the perpetrator and the perpetrator is at least forty-eight months older than the victim.

Defenses: RCW 9A.44.030

(2) In any prosecution under this chapter in which the offense or degree of the offense depends on the victim's age, it is no defense that the perpetrator did not know the victim's age, or that the perpetrator believed the victim to be older, as the case may be: PROVIDED, That it is a defense which the defendant must prove by a preponderance of the evidence that at the time of the offense the defendant reasonably believed the alleged victim to be the age identified in subsection (3) of this section based upon declarations as to age by the alleged victim [i.e. over the age of 16 or less than 48 months apart in age]
Handout #1: Homicide Hypothetical Scenarios

Introductory Hypo:

Frank is helping his friend move into a downtown Seattle condo. While unloading a large mirror from the moving truck, the bright sunlight hits the mirror and reflects against the 40th floor of the skyscraper across the street which temporarily blinds a window washer and causes him to stumble. During this moment of temporary blindness, lasting about a second and a half, the window washer inadvertently kicks over his window washing bucket onto the street below. The water and soap from the bucket hit the sidewalk right in front of Bill the jogger. Bill was unable to stop before stepping on the slippery sidewalk, causing him to lose his balance and fall. When Bill fell, he hit his head on the sidewalk. Bill died two weeks later from his head injury.

Suppose that Washington law provides: Anyone who causes the death of another person shall be guilty of murder.

Would Frank be guilty of murder under this law? Should he be?

Group Exercise Hypos

Instructions: Nominate someone in your group to be the recorder and another person to be the class reporter. Read each hypothetical and determine which statute, if any, applies to the facts of the hypothetical and whether the defendant has violated the statute.

Hypo #1: Sarah is held at gun point by Roger on a rooftop. Roger tells Sarah that she must shoot and kill Steven. Sarah pleads with Roger to let her go and that she does not want to kill Steven. Roger tells Sarah that unless she successfully shoots and kills Steven, he will kill Sarah and her entire family. Roger has a violent reputation and Sarah has no reason to believe that Roger will not follow through with his threat. Roger identifies Steven walking on the other side of the street and tells Sarah to take the shot. Fearing for the safety of her family and herself, Sarah takes careful aim at Steven, gauges the wind and change in elevation, and fires a precise shot penetrating Steven’s heart. What crimes if any has Sarah committed? Explain

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_______________________________________________________________________________________
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Hypo #2: Mildred comes home from work early only to discover her husband Robert in the midst of a lewd affair with their neighbor Gladys. In sudden fit of rage, Mildred grabs a flower vase and smashes it over Gladys’ head knocking her unconscious. With a broken shard of ceramic from the vase, Mildred stabs Robert in the neck. Robert dies from sudden blood loss within seconds. After killing Robert, Mildred drags Gladys’ unconscious, but still breathing, body into the garage where she ties Gladys to a folding chair and duct tapes her mouth shut to keep her from screaming. Mildred then returns to the house, prepares a cup of hot tea and takes a long bubble bath contemplating what she should do with Gladys. After finishing her bath, Mildred brainstorms in a note book for several hours about what she might do with Gladys. Ultimately, Mildred decides that Gladys must die for what she
has done. Mildred then returns to the garage where she calmly shoots and kills Gladys with a pistol at point blank range. What crimes if any has Mildred committed? Explain

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**Hypo #3:** One day, George decides that he would like to see what would happen if he were to drop several pounds of high explosives from a freeway overpass into busy fast-moving traffic. George purchases several pounds of high explosives over the internet and then goes to a nearby overpass overlooking I-5. He drops the explosives in front of a large semi-truck and mutters to himself, “I sure hope nobody gets hurt.” When the explosives hit the pavement below they instantly detonate and blow-up the semi-truck killing its two occupants. In addition, five more motorists are killed in the ensuing pile-up. What crimes if any has George committed? Explain

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**Hypo #4:** Jim is driving down the freeway when he spills his bag of Skittles onto the front passenger floor. Not wanting to lose a single sugary morsel, Jim leans down to retrieve the handful of lost Skittles. In so doing, Jim takes his eyes completely off the road for 8 seconds. While reaching for the last Skittle, Jim inadvertently jerks the steering wheel which veers his car into the next lane. Jim’s car strikes another car forcing it into the ditch. Upon entering the ditch, the other car flips into the air and lands on its roof. All three occupants are crushed to death. What crimes if any has Jim committed? Explain.

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**Hypo #5:** Melvin is 21 years old. He has been held back several grades and reads at approximately a 6th grade level. Laura is 15 ½ years old. She is a very bright student and takes nearly all AP classes. Laura and Melvin live in the same neighborhood. Laura has always felt sorry for Melvin and was friendly to him even when the neighborhood kids teased and taunted him. As their friendship grew, their relationship, at Laura’s suggestion, became sexual. Melvin never asked Laura how old she was nor did Laura ever tell Melvin her age. When Laura’s father discovered the relationship, he turned Melvin into the police. What crimes if any has Melvin committed? Does he have any defenses? Explain