Question #1: Multiple Acts

Mr. Martin was validity arrested in his home (where he had became drunk) for an offense unrelated to drinking. The police officers took him outside, where he acted in a boisterous and indecent manner. He was charged with violating this statute: "Any person who, while intoxicated or drunk, appears in any public place and manifests a drunken condition by boisterous or indecent conduct...shall, on conviction, be fined...etc."

Would convicting Mr. Martin violate the voluntary act requirement?

Test Prep Modules
This interactive simulation teaches the skills needed to organize, plan, and write effective essay answers, based upon the IRAC model.

STUDY BYTES
Consisting of Professor’s Tips, study shell outlines (with embedded flow charts), and quizzes, these synthesize the tutorials and the test prep module.

PROFESSOR’S TIPS: VOLUNTARY ACT REQUIREMENT

Should I see the same approach used in the Model Penal Code or under common law? Yes. The voluntary act requirement plays the same role under the Model Penal Code as under the common law. This is a rule of evidence in which the authors of the MPC divided to adopt the common law approach without any significant changes.

What should I do if I see the application of the voluntary act rule when possible? Some common voluntary act requirements are examples of how a defendant can be held liable for his or her own criminal actions. If you could foresee that the defendant would commit a crime, does this mean that the defendant should be held liable for the crime? Is it not a question of whether the defendant acted voluntarily?

How do I know if the voluntary act is a "true idea"? Students often want valuable time going to the question of what is the side rule for the voluntary act. It’s a difficult concept to understand. It is not the same as the issue of whether the defendant knew that he would commit a crime. It is the idea that the defendant did it on his own. If the defendant knew that he would commit a crime, does this mean that he was criminally liable?

FLASH QUIZ: OMISSIONS LIABILITY

Jim has a medicalservice. While driving from a distant city, Jim is unable to stop and is running late. Jim decides to drive the car and he is towed away. Jim is towed away. Jim is then charged with a crime. Is Jim liable?

Omissions Liability – Study Outline

1. Omissions Liability: The General Rule
   a) Rule: A person is not criminally liable for failing to do some act, but only for affirmative acts.
   b) Exception: There are no important categories of exceptions to this act liability rule.
   c) The rule and its exceptions are the same under both common law and the Model Penal Code.
   d) The Excuses: A person may be able to act in good faith, even though the person failed to act in a situation where the person could reasonably be expected to do so.

2. The Excuses
   a) Rule: A person may be able to act in good faith, even though the person failed to act in a situation where the person could reasonably be expected to do so.

3. Five types of situations in which liability can be based on this answer: shoot, or don’t shoot.

Annotation: Ringo Conflict Pairing

Within the portion of the Ringo conflict pairing, the best test confirms one of the five types of acts as a neutral act when the act is used as a defense. The best test is a neutral act when the act is used as a defense. The best test is a neutral act when the act is used as a defense.