

Yoko

Ringo

	<u>Actus Reus</u>	<u>Mens Rea</u>	<u>Actus Reus</u>	<u>Mens Rea</u>
Issue	Violate vol. act req'mnt. b/c Y not in car voluntarily?	Statute silent. Imply m.r.? Which one? Did Yoko have that m.r.?	Omission liability b/c create risk to J and fail duty to assist?	Given a.r., is R guilty of M. or I.M.?
Rule	G.R. vol. act req'd.; w/ mult. act statute, 1 vol. act. is enough	C.L.—borrow m.r. from other offense; M.P.C.—default = reck.	G.R.—no duty to aid; 5 exceptions...here, create risk & fail to assist	W/ omiss., same crime as w/ aff. act; depends diff. btw. m.r. for M v. I.M.
Application	Prove: Yoko drunk; <u>and</u> found in car seat Y voluntarily got drunk. <u>Martin</u> . But no 'effort or determination' getting in car. Argue 'fairness' in mens rea.	C.L.—not S.L. More like drunk driving, w/ mens rea of recklessness (aware of risk and act anyway); MPC (disregard s&u risk) Not aware of risk being forced into car.	Threw match; created risk; saw John; fled anyway; failed to help	m.r. for M = malice = xtrm. reck; m.r. for I.M. = crim neg = ord neg. R cud call for help, didn't; egregious = xtrm. reck = M
Conclusion	b/c 1 of Y's relevant acts was voluntary, convict not violate vol. act req.	No reckless conduct; no conviction	Actus reus b/c created risk and failed duty to assist	C.L. R guilty of M MPC—same analysis as CL excpt. Ord neg = msltr.

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