

Intent and Principals

Chapter 8



Criminal Intent

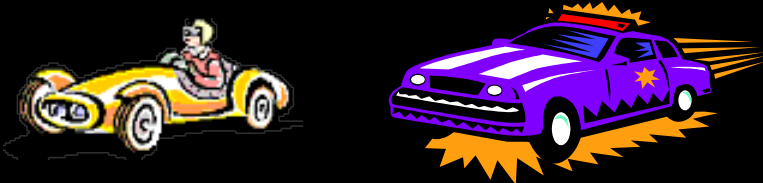
- A state of mind inferred from evidence
- Distinguishes from an accident or mistake
- Every crime must have a union between an act and
 - 1) intent or
 - 2) criminal negligence
- 4 types of criminal intent: general, specific, transferred, & criminal negligence

General Intent

- Intent to do that which the law prohibits
- Prosecutor doesn't have to prove that defendant intended the result that occurs
- Merely intending to commit the act even if no knowledge or intent to violate the law
- AKA “Presumed Intent”

General Intent (cont'd.)

- Most traffic violations are general intent: speeding, red light and stop sign violations
- No specific state of mind must be established



Specific Intent

- Denotes a determination to commit an act the law prohibits
- State of mind must be proved along with other elements of the crime
- Cannot be presumed like general intent

Specific Intent (cont'd.)

- Usually written into the law: “...with the intent to...” or “...for the purpose of...”
- Examples:
 - Carjacking
 - Auto theft

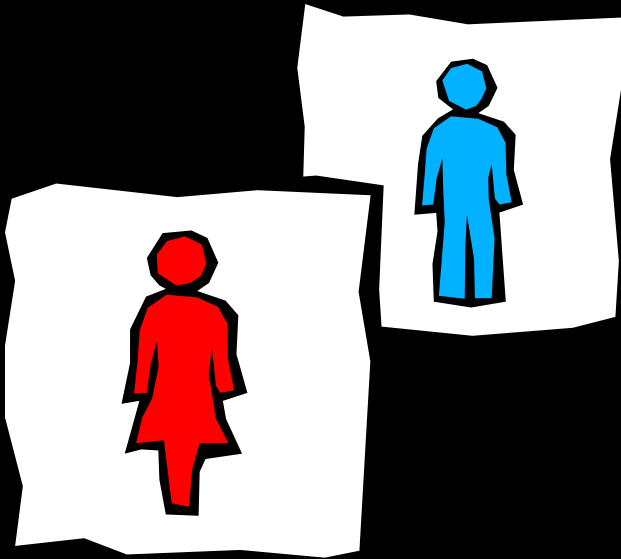


Transferred Intent

- Act misses or goes beyond injury that was intended; results fall on third party
- Intention of criminal act transferred from intended victim to actual victim
- Intended act must be unlawful

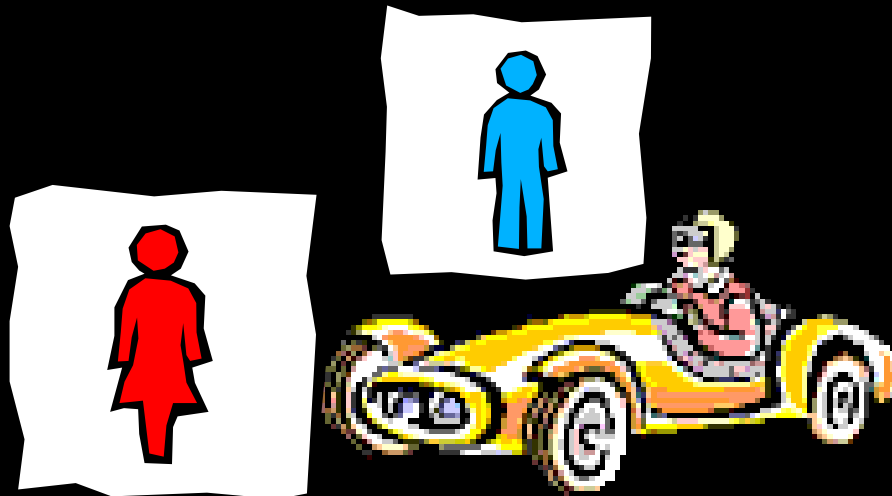
Transferred Intent (cont'd.)

- Mr. Jones wants to run over and kill Mr. Davis...



Transferred Intent (cont'd.)

- But Mr. Davis jumps out of the way and Mr. Jones kills Ms. Smith
- Mr. Jones is guilty of murder even though he didn't intend to kill her



Criminal Negligence

- Failure to exercise that degree of care that a reasonable person would under the same or similar circumstances
- Negligence can therefore substitute for intent

Principals, Accessories, & Accomplices

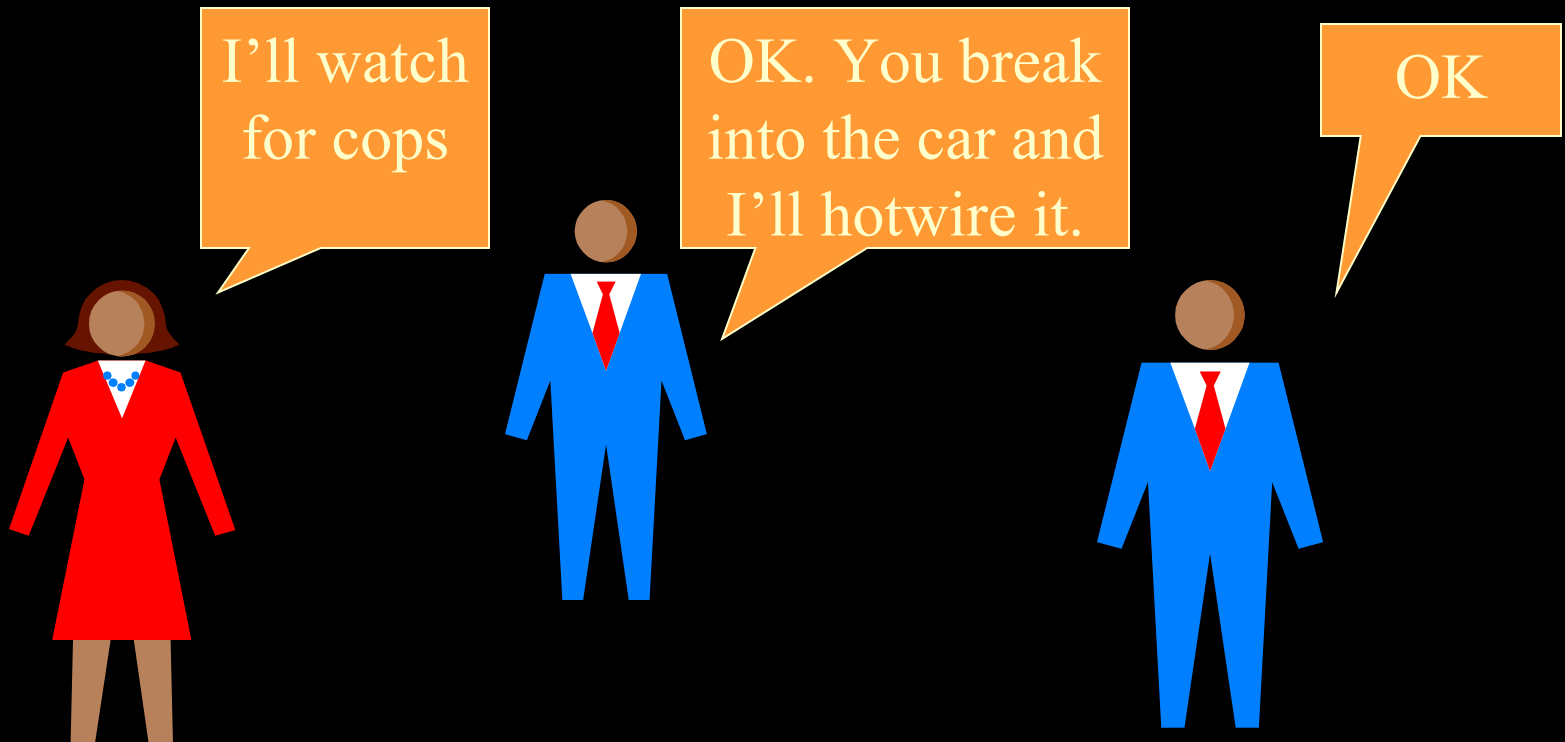


Principals

- All persons concerned with the commission of a crime
 - Felony or misdemeanor
 - Directly commit the act or
 - Indirectly by aiding, abetting, encouraging, threatening

Principals

- All three are principals



Accomplice

- One who helps another commit a crime
- Often this is a co-principal who testifies against another principal
- Testimony must be corroborated
- Feigned accomplice: pretends to act with others to commit crime only to gather evidence

Accessory: Before and After the Fact

- A person who helps before the crime
 - May be charged with the same crime and receive same punishment as the principal
- A person who helps after a felony has been committed
 - Harbors, conceals, aids a principal
 - Help to avoid arrest
 - Has knowledge of the commission of the felony or a charge against person
 - Usually not charged with the original crime

Problem 8.3

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