



## Mens Rea / Actus Reus Worksheet

- Describe a common situation where someone commits an illegal act but does not intend to:
  - where someone accidentally or unintentionally harms another person.
  - where a person possesses something illegal but either does not know the nature of the substance or does not realize he has it.
  - where someone is acting on a mistaken set of facts.
- In each of these scenarios, mark in the chart if you think that the person had the *actus reus* (guilty act) and the *mens rea* (guilty mind) necessary to be found guilty of the crime. Remember that someone may still have the *mens rea* if they are wilfully blind.

Act	Mens Rea	Actus Reus
a) While browsing in a CD store, Rasheed ran into a friend from his old school. They decided to get a coffee. As they left the store, Rasheed forgot that he had a CD he was considering buying under his arm.		
b) In line for a concert, a friend asked Chanice to hold her bag while she went to the bathroom. A drug dog stopped in front of Chanice. The police searched the friend's bag and found a marijuana joint. Chanice was charged with possession of a narcotic.		
c) Sophie baby-sits the neighbour's kids everyday after school, sometimes driving them to soccer in the family car. After dropping them off one day, she decides to watch their practice. Sophie leaves the dog in the car for a few hours even though it's 35 degrees outside. Before the end of the game, someone walks by, notices the distressed dog, and calls the police.		
d) Mao was charged with assault after he lost his temper in a restaurant. He felt the bill was unfair. He slammed his fist down on the table and a glass flew off, hitting a customer at the next table and cutting his cheek just below the eye.		
e) Brandon was on his way into the beer store when a woman asked him if he would mind buying her a six-pack of beer while she stayed outside with her dog. He said sure and accepted her money. Once in line he thought that she looked a little young, but bought her the beer anyway.		
f) It's Hockey Night in Canada and the Leafs are playing the Senators. Darcy Tucker of the Leafs is looking to get back at Chris Neil of the Senators for a dirty body check in their last game. After a brief verbal exchange, the two players drop their gloves and start punching each other. When the referee notices Neil's nose bleeding, he stops the fight. Neil is not seriously hurt but he sits out the rest of the period.		
g) Carmen comes to work one Tuesday feeling really sick. She's recovering from a particularly bad flu and after a few hours at work, she decides she needs to go home		

because she's really tired. Carmen gets into her car and starts driving but she's having a hard time focussing on the road because she's so tired. A police officer driving behind her notices she is weaving across driving lanes. Just before he stops her Carmen falls asleep at the wheel and drives into a ditch. Luckily, no one is seriously hurt.		
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3. What is the *mens rea*, or required state of mind, for the offence of manslaughter? (s. 234 and *R. v. Crieghton*, [1993] 3 S.C.R. 3)

Think about the two following examples:

- 1) Zaid and Erik are walking on the sidewalk along a busy street, laughing and joking around. Erik is teasing Zaid about something so Zaid gives him a little, joking push. This makes Erik lose his balance and fall into the traffic where he is hit by a car. He is taken to the hospital but he doesn't make it. In this case, it is unlikely that Zaid would have the *mens rea* for manslaughter because most people would not normally think a small push would likely cause any harm.
- 2) Jolanda and Iman are arguing in the hall near the stairs. Jolanda has just found out that Iman has been cheating with Jolanda's boyfriend for the past few months. Jolanda's really angry so she punches Iman in the face as hard as she can. Iman falls backward down the stairs. When the paramedics come she is lying motionless on the bottom of the stairs. They cannot revive her. Jolanda feels really bad and tells the police she didn't mean to hurt Iman badly or make her fall down the stairs. In this case, Jolanda would probably have the necessary *mens rea* for manslaughter because she intentionally assaulted Iman and the average person would think that a hard punch could cause harm.