State v. Kremer

262 Minn. 190 (1962) – Supreme Court of Minnesota

Actus Reus, CB p. 1-2

*Parties*: Kremer is a criminal defendant; State is the prosecutor

*Facts*:

* D drove through a red light
* He said he couldn’t stop because his brakes failed
* He did not know his brakes could fail – no prior brake trouble and no knowledge of defective brakes
* Procedural History: trial court found D guilty for running a red light (could summarize the trial court’s reasoning here if you wanted to)

*Issue*:

* Did the trial court properly find that D committed the actus reus of the crime by running a red light when D did not know he had faulty brakes?

*Rule*:

* An act can be criminal without intent (absolute liability)
* There does not have to be intent to commit a crime, but there must be intent to do the act that constitutes a crime
* If there is no intent to do the act, then it should not be criminal
* If one does not have knowledge of a risk, then there is no intent to do the risky act and it cannot be a voluntary act to engage in that risky conduct.

*Holding*:

* D did not have the actus reus to run a red light when D did not know he had faulty brakes, which caused him to run the red light. No actus reus, no crime (not guilty)

*Reasoning*:

* There does not have to be intent to commit a crime, but there must be intent to do the act that constitutes a crime
* If there is no intent to do the act, then it should not be criminal
* D went through a stop light because his brakes failed = he did not intend to do the act (driving with faulty brakes because he did not know his brakes could fail) = not a voluntary act = cannot be a criminal act
* Because he did not know that his brakes could fail, he could not have had intent or negligence for the act of driving knowing his brakes could fail

*Conclusion*: Trial court reversed.

*Thoughts*: makes sense that you should not be guilty of a crime if you have no idea you are even doing an act that makes the conduct criminal