

A mechanic advised a delivery driver to replace the hitch on the driver's semi-truck during a routine inspection. The mechanic warned that if the hitch was not replaced, the trailer could disconnect from the semi-truck if driven at speeds exceeding 50 miles per hour. Wanting to avoid the additional cost, the driver opted against replacing the hitch and left the mechanic's shop. Late for a delivery, the driver entered a busy highway and accelerated to 55 miles per hour. Soon thereafter, the trailer disconnected from the semi-truck and obstructed three lanes of traffic.

The driver was charged with the violation of a state statute that makes it a crime for a person who, "having no legal privilege to do so, obstructs any highway or other public passage, whether alone or with others." The statute further provides that a person who commits the offense shall be punished by no more than six months' confinement. The jurisdiction has eliminated strict liability for crimes that carry the possibility of confinement, but the statute does not state a requisite mental state.

In a jurisdiction that has adopted the Model Penal Code approach with respect to mens rea, can the driver be convicted under the statute?

- A. No, because at minimum, the driver must have acted knowingly.
- B. No, because the driver's conduct was merely negligent.
- C. Yes, because at minimum, the driver's conduct was reckless.
- D. Yes, because the driver acted purposely.

Explanation:

Hierarchy of culpable mental states

(Model Penal Code)

Purposely Defendant acts with conscious objective to:

engage in conduct *or*
cause particular result

Knowingly Defendant acts with:

awareness that conduct is of nature required by crime *or*
practical certainty that conduct will cause particular result

Recklessly Defendant acts with:

conscious disregard of substantial & unjustifiable risk *and*
risk amounts to gross deviation from law-abiding citizen's standard of
conduct

Negligently Defendant:

should be aware of substantial & unjustifiable risk *and*
risk amounts to gross deviation from reasonable person's standard of care

Under the **Model Penal Code**, when a statute fails to include a requisite mental state, the prosecution must prove that the defendant acted **at least recklessly** to obtain a conviction **(Choice A)**. This means that a showing of either a **purposeful** or **knowing** mental state will also suffice to obtain a conviction—since those are higher levels of culpability than recklessness. However, proof that the defendant merely acted **negligently will not suffice** since negligence is a lower level of culpability than recklessness.

Here, the driver was *aware* that driving at speeds exceeding 50 miles per hour could cause his trailer to detach. The driver consciously disregarded that risk by driving at 55 miles per hour, resulting in the trailer detaching and obstructing the highway. This means that his conduct exceeded criminal negligence and was, at a minimum, reckless **(Choice B)**. Accordingly, the driver can be convicted under the statute.

(Choice D) Under the Model Penal Code, a purposeful mental state involves a conscious objective to engage in conduct or cause a particular result. Here, there are no facts to indicate that the driver acted with the objective of obstructing the highway. Nevertheless, the driver can be convicted under the statute because he acted recklessly.

Educational objective:

Under the Model Penal Code, when a statute fails to include a requisite mental state, the prosecution must prove that the defendant acted at least recklessly to obtain a conviction.

References

Model Penal Code § 2.02(3) (establishing minimum requisite mental state when not indicated in statute).

Copyright © UWorld. All rights reserved.