

After being fired from his job, a financial analyst drank almost a quart of vodka and decided to ride the bus home. While on the bus, he saw a briefcase he mistakenly thought was his own and began struggling with the passenger carrying the briefcase. The analyst knocked the passenger to the floor, took the briefcase, and fled. The analyst was arrested and charged with robbery.

Should he be convicted of robbery?

- A. No, because he used no threats and was intoxicated.
- B. No, because his mistake negated the required specific intent.
- C. Yes, because his intoxication was voluntary.
- D. Yes, because mistake is no defense to robbery.

Explanation:

Robbery requires proof of the following elements:

The defendant unlawfully took and carried away the victim's property.

The property was taken from the victim's person or presence by force *or* threat of force **(Choice A)**.

The defendant **specifically intended** to permanently deprive the victim of the property (ie, intent to steal).

Mistake of fact is a **defense to robbery** (and other [specific intent crimes](#)) when the defendant's **honest but mistaken belief** negates the requisite intent **(Choice D)**. This is true even when that mistake is unreasonable.

Here, the analyst took the passenger's briefcase by force when he knocked the passenger to the floor and fled with it. But the analyst did not intend to deprive the passenger of his briefcase since the analyst honestly but mistakenly believed that he owned it. And though that mistaken belief likely was unreasonable (and the result of the analyst's intoxication), it still negated the specific intent required for robbery. Therefore, the analyst should be acquitted.

(Choice C) Voluntary intoxication is a defense to specific intent crimes if it prevented the defendant from forming the requisite intent. And since the analyst's intoxication may have contributed to his mistaken belief that he owned the briefcase, it would support an acquittal—not a conviction.

Educational objective:

Mistake of fact is a defense to specific intent crimes (eg, robbery) when the defendant's honest but mistaken belief negates the requisite intent—even if that belief was unreasonable.

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Applicability of mistake-of-fact defense

