

The owner of a meatpacking company was charged under a state criminal code prohibiting the sale of contaminated meat. The state's highest court has construed the code as imposing strict and vicarious liability to the extent allowed by the federal Constitution.

The evidence at trial established that the owner's company had sold contaminated meat that had sickened hundreds of consumers. It further showed, however, that the owner had been out of the country when the meat was sold and had had no reason to know that any of the meat was contaminated.

The jury convicted the owner, and the court sentenced him to a large fine and probation. On appeal, the owner has challenged the sufficiency of the trial evidence.

Should the appellate court uphold the conviction?

- A. No, because there was insufficient proof of the owner's actus reus.
- B. No, because there was insufficient proof of the owner's mens rea.
- C. Yes, because an appellate court cannot second-guess a jury's verdict.
- D. Yes, because the evidence was sufficient to support the jury's verdict.

Explanation:

General and specific intent crimes require proof that a defendant had a particular mens rea (state of mind) and committed a particular actus reus (criminal act). But since **strict liability crimes** have **no mens rea requirement**, proof of the **actus reus alone is sufficient** to support a conviction **(Choice B)**. And the defendant can be (1) directly liable for personally committing the actus reus *or* (2) vicariously liable, if the statute allows, for using an agent to do so.

Here, the state criminal code imposes strict liability for the direct or vicarious sale of contaminated meat. Since the meatpacking company (the owner's agent) committed the necessary actus reus when it sold contaminated meat, the evidence was sufficient to support the owner's vicarious liability for this offense **(Choice A)**. As a result, the appellate court should uphold the jury's verdict convicting the owner of this strict liability crime.

(Choice C) An appellate court *can* second-guess a jury's verdict and overturn a conviction if the court finds that the evidence was insufficient to sustain the verdict.

Educational objective:

Since strict liability crimes have no mens rea requirement, proof of the actus reus alone will support a conviction.

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Types of mens rea

