

A defendant is charged with an offense under a statute that provides as follows: "Any person who, while intoxicated, appears in any public place and manifests a drunken condition by obstreperous or indecent conduct is guilty of a misdemeanor."

At trial, the evidence shows that the defendant was intoxicated when police officers burst into his house and arrested him pursuant to a valid warrant. It was a cold night, and the officers hustled the defendant out of his house without giving him time to get his coat. The defendant became angry and obstreperous when the officers refused to let him go back into the house to retrieve his coat. The officers left him handcuffed outside in the street, waiting for a special squad car to arrive. The arrest warrant was later vacated.

Can the defendant properly be convicted of violating the statute?

- A. No, because the defendant's claim of mistreatment is valid.
- B. No, because the statute requires proof of a voluntary appearance in a public place.
- C. Yes, because the defendant voluntarily became intoxicated.
- D. Yes, because the defendant voluntarily behaved in an obstreperous manner.

Explanation:

Every crime requires proof that the **defendant voluntarily committed** the **actus reus** by (1) consciously performing a bodily movement or (2) failing to act when he/she had a legal duty and the ability to do so. Therefore, **no criminal liability** can be imposed when an **act does not result** from the defendant's **free will**.

Here, the defendant was charged with appearing in a public place and manifesting a drunken condition by obstreperous (ie, disorderly) or indecent conduct while intoxicated. The defendant voluntarily became intoxicated and voluntarily behaved obstreperously outside his home (**Choices C & D**). But he appeared in this public place *against his will* because police hustled him out of his home and kept him from reentering. And since this crime (like all others) requires that the actus reus be *voluntary*, the defendant cannot be convicted.

(Choice A) The defendant may have a valid mistreatment claim since the police wrongfully deprived him of his coat. But this will not prevent the defendant's conviction since mistreatment would not negate an element of the charged crime.

Educational objective:

A criminal conviction requires proof that the defendant voluntarily committed the criminal act or omission. Therefore, an act that is not a product of the defendant's free will cannot be used to impose criminal liability.

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Elements of a crime

Concurrence

Mens rea (criminal mind)

- Intentional - acts purposely or knowingly
- Reckless - consciously disregards high risk
- Negligent - grossly deviates from standard of reasonable care

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Actus reus (criminal act)

- Voluntary act - conscious bodily movement
- Omission - failure to perform legal duty

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Causation (if particular result required)

- Actual - but for or substantial factor
- Proximate - foreseeable result