A Grinchy Crime Scene
Elements of Criminal Law

Under United States law, an element of a crime (or element of an offense) is one of a set of facts that must all be proven to convict a defendant of a crime. Before a court finds a defendant guilty of a criminal offense, the prosecution must present evidence that is credible and sufficient to prove beyond a reasonable doubt that the defendant committed each element of the particular crime charged. The component parts that make up any particular crime vary depending on the crime.

The basic components of an offense are listed below. Generally, each element of an offense falls into one or another of these categories. At common law, conduct could not be considered criminal unless a defendant possessed some level of intention — either purpose, knowledge, or recklessness — with regard to both the nature of his alleged conduct and the existence of the factual circumstances under which the law considered that conduct criminal. The basic components include:

1. **Mens rea** refers to the crime's mental elements of the defendant's intent. This is a necessary element—that is, the criminal act must be voluntary or purposeful. Mens rea is the mental intention (mental fault), or the defendant's state of mind at the time of the offense. In general, guilt can be attributed to an individual who acts "purposely," "knowingly," "recklessly," or "negligently."

2. All crimes require **actus reus**. That is, a criminal act or an unlawful omission of an act, must have occurred. A person cannot be punished for thinking criminal thoughts. This element is based on the problem of standards of proof.

3. In general, **mens rea** and **actus reus** must occur at the same time (concurrence)—the criminal intent must precede or coexist with the criminal act, or in some way activate the act.

4. Many crimes include an element that actual harm must occur—in other words, causation must be proved.


Possible Charges in this Case

1. **Theft of Property in the 1st Degree**

Requirements:
(a) The theft of property which exceeds two thousand five hundred dollars ($2,500) in value, or property of any value taken from the person of another, constitutes theft of property in the first degree.

*Theft of property in the first degree is a Class B felony {Alabama Code Title 13A. Criminal Code § 13A-8-3}*

2. **Burglary in the 2nd Degree**

Requirements:
(b) In the alternative to subsection (a) of this section, a person commits the crime of burglary in the second degree if he or she unlawfully enters a lawfully occupied dwelling-house with intent to commit a theft or a felony therein.

*Burglary in the second degree is a Class B felony {Alabama Code Title 13A. Criminal Code § 13A-7-6}*

Name__________________________________

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A Grinchy Crime Scene

1. Did the Grinch act with *malice aforethought* in planning the crime? (premeditation; a general evil and depraved state of mind in which the person is unconcerned for the lives of others) __________

What makes you think this?

2. What was the Grinch’s *motive*?

3. What was his disguise?

4. Who was his accomplice?

5. Did he have the *opportunity* to commit the crime?
6. Were there any witnesses? ______________ If so, who?_____________________

7. Where was the crime scene located?

8. Describe the physical evidence you would be able to collect from the scene of the crime.

9. Explain the facts that relate to the elements of this crime:
   - **Mens rea** (mental state/intent)
     - Did the Grinch show intent to commit this crime? ______________________
     - Describe some things that make you think so.
   - **Actis reus** (the criminal act that occurred)
     - What was the criminal act the Grinch did?
   - **Concurrence** (the intention occurred at the same time and/or caused the criminal act)
     - Did the Grinch plan the criminal act?______________
     - List 2 things that led you to believe it was a planned act.
       - 1.
       - 2.
   - **Causation** (did actual harm occur?)
     - Did the actions of the Grinch result in actual harm?_______________________
10. What elements of the crime showed he had no remorse in committing it?

11. Is there enough evidence to charge the Grinch with a crime? If so, what is the most compelling piece of evidence that leads you to believe he committed a crime.

12. What crime would you charge him with, **Theft of Property in the First Degree** or **Burglary in the Second Degree**? Provide reasoning for your decision.

13. *If you were his defense attorney* what would be the defense you would propose in order to keep your client, the Grinch, from being prosecuted?
14. *If you were the prosecuting attorney*, what would you offer as proof he should be charged and prosecuted for the crime he committed?

15. Do you think the Grinch should be tried for his crime since he showed remorse in committing it? Why or why not?
Bonus-- Should Max be criminally charged as an accomplice? Why or Why not?

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1. Did the Grinch act with *malice aforethought* in planning the crime? (premeditation; a general evil and depraved state of mind in which the person is unconcerned for the lives of others) YES

What makes you think this? Answers will vary but he planned the crime, enlisted the help of an “accomplice”, and made a disguise.

2. What was the Grinch’s motive? To ruin the celebration of Christmas for the Whos.
3. What was his disguise? Santa Claus

4. Who was his accomplice? Max the dog

5. Did he have the opportunity to commit the crime? Yes, Christmas Eve

6. Were there any witnesses? Yes. If so, who? Cindy Lou Who

7. Where was the crime scene located? The village of Whoville, specifically Cindy Lou Who’s house

8. Describe the physical evidence you would be able to collect from the scene of the crime. Answers will vary but should include: fingerprints, hair and fiber evidence, footprints, possibly DNA

9. Explain the facts that relate to the elements of this crime:
   - *Mens rea* (mental state/intent)
     - Did the Grinch show intent to commit this crime? Yes
     - Describe some things that make you think so. Carefully planned, made a disguise, enlisted an accomplice to help
● **Actis reus** (the criminal act that occurred)-
  ○ What was the criminal act the Grinch did? **Stole Christmas presents and food from the residence**

● **Concurrence** (the intention occurred at the same time and/or caused the criminal act)-
  ○ Did the Grinch plan the criminal act? _yes_
  ○ List 2 things that led you to believe it was a planned act.
    ■ 1. He thought about it enough to plan and create a disguise for the specific occasion.
    ■ 2. He planned the timing of the crime so that everyone would be asleep and he could enter/leave the residence without being discovered. And, if he was discovered, his Santa disguise would guarantee that, for this one night, no one would think it amiss that we was in their home.

● **Causation** (did actual harm occur?)-
  ○ Did the actions of the Grinch result in actual harm? _Not physically, but possibly emotionally to the Whos, especially Cindy Lou Who._
  ○ If so, what harm occurred as a result of his actions? **The theft of all the presents might have damaged the Whos faith in Christmas and Santa Claus.**

10. What elements of the crime showed he had no remorse in committing it? **He even stole the food for their Christmas feast.**

11. Is there enough evidence to charge the Grinch with a crime? _YES_
If so, what is the most compelling piece of evidence that leads you to believe he committed a crime. His careful planning and obvious efforts to disguise himself while he committed the offense.

12. What crime would you charge him with, **Theft of Property in the First Degree** or **Burglary in the Second Degree**? Provide reasoning for your decision. Answers will vary.

   - For **Theft of Property in the First Degree**, the value of the property he took would equal more than $2500. He also physically took the candy canes directly from the sleeping children so this would fall under this charge.
   - For **Burglary in the Second Degree**, he entered a dwelling that was occupied with the intent to commit a theft. Since the Whos were home, it would fall under this charge.

   *Please note, each state has different statutes for these charges. The ones stated here are for Alabama and might be different from your state.*

13. *If you were his defense attorney* what would be the defense you would propose in order to keep your client, the Grinch, from being prosecuted? Answers will vary.

   *Sample defense—The Grinch didn’t “technically” steal the property since he promptly returned it back to the Whos. He also showed tremendous remorse after the act (although remorse is not a valid defense for the commission of a crime). In fact, the Whos were not inclined to press charges since they invited the Grinch back to the feast and let him have the place of honor and “carve the roast beast.”*

14. *If you were the prosecuting attorney*, what would you offer as proof he should be charged and prosecuted for the crime he committed? Answers will vary.

   *Sample prosecution argument—All of the elements of criminal law were met with this crime. The Grinch showed intent (*mens rea*) with his careful planning, creation of a disguise, and cooperation of an accomplice. He also demonstrated *actus reus* because the crime actually did occur in conjunction with his planning (*concurrency*). Although physical harm did not result from his act, Cindy Lou Who might require emotional counseling because her faith in Santa Claus and the Christmas spirit was damaged. Therefore, the Grinch should be prosecuted for the crime.*
15. Do you think the Grinch should be tried for his crime since he showed remorse in committing it? Why or why not? Answers will vary for this. This would be a good group or partner discussion question.

Bonus-- Should Max be criminally charged as an accomplice? Why or Why not? Answers will vary for this question. Many might feel that Max shouldn’t be charged because he was an unwilling participant and was coerced into participating. Some might feel Max could be compelled to testify for the prosecution in exchange for not being charged. Others might feel that since Max actually didn’t go into the home and participate in the theft, he should not be charged in the crime. **However, the law says that if Max was a participant as an accomplice, he is just as guilty as the Grinch who actually committed the crime, even if he was coerced.