

Elements of an Offense

Actus Reus

Crown = BRD

- physical voluntariness
- act or omission of a legal duty
- occurs in prohibited circumstances
or
- causes prohibited consequences

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Mens Rea

Crown = BRD

- subjective**
 - intention
 - reckless
 - knowledge
 - wilful blindness
- objective**
 - criminal negligence
 - penal negligence
 - strict liability
 - absolute liability
- constitutional?**
 - stigma offence?
 - true crime?
 - imprisonment w/ absolute liability?

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Defence(s)

Def. = air of reality
Crown = disprove BRD
* exception

- actus reus**
 - identity ("not my act")
 - no duty to act
 - no causation
 - no prohibited circumstances
 - no criminal harm
 - no voluntariness
 - automatism*
- mens rea**
 - mistake of fact
 - ~~mistake of law~~ (CC s.19)
 - mixed mistake of fact and law
 - due diligence
 - intoxication
 - NCRMD*
- justification**
 - self-defence
 - defence of property
 - justified to use force
 - other duties
- excuse**
 - duress
 - ~~mistake of law~~ (CC s.19)
 - officially induced mistake of law
 - provocation (partial)
 - NCRMD (if *mens/actus met*)