Title page

Crime

General intent crime are focused on the need for acting. The focus is only on action not on the results. General intent crime are easy to prove because outcomes are not considered. General intent indicates the state of mind when the crime occurred. This reflects the situation in which an individual has to act even when he knows that the act is unlawful. It is not necessary for the suspect to prove that the purpose of act was not to inflict harm. Similarly it is not important to prove that the suspect was aware of the result. Mental state is important to determine in general intent crime. Mental state refers to the belief that people are punished if they have acted in a way that makes them morally wrong. People are blameworthy only when they intentionally engage in such acts. The conduct of the suspect is decided according to the actions and circumstances (Johnson, 2012). The elements used for explaining mental state include ‘recklessly’ and ‘purposely’.

Diminished capacity can be linked to general intent crime because it allow defendant to avoid criminal liability. This is used by proving that the mental capacity was so diminished that does not fulfill the intent required for fulfilling the conditions of crime (Johnson E. A., 2016). Diminished capacity proves that the requirements of mental capacity are not fulfilled that proves the innocence of the defendant.

The best defense to Steve is ‘reasonably necessary’. This will allow him to prove that it was essential to act because Terry was a threat to his won life. Reasonableness is defined as a need for responding to the threatening situation. Steve will use the evidence of proving that he had asked Terry to leave the apartment but he continued to follow him. Self-defense can be proved on the basis of reasonable grounds. This will help Steve in proving that the force was used reasonably according to the circumstances. Reasonableness is determined by number of factors such as the nature of the force used and the type of threat faced by the accused. The role of the Steve will be examined so he need to prove that reasonable doubt existed about the intentions of Terry (Defence, 2019).

The decision of convicting the accused depends on the circumstances when assault was committed. United States v. Frank, 472 Fed Appx 431 (9th Cir. 2012) can be used for defending the case. Jonathan Frank was charged with assault that caused serious injury. Any assault that causes serious body injury is considered as intent crime (Justica, 2019). Steve can explain that the relationship between him and Terry was doubtful and not very pleasant. He will need to prove suspicious intentions of Terry by explaining the nature of threats. Steve will use General Intent crime for proving that he had to act according to the situation. This will save him from the need of proving that he didn’t intend to harm Terry. This will also allow him to make the result/ outcomes irrelevant to the act (Justica, 2019). Steve can use diminished capacity for his defense by stating that it makes the intent of crime weak. He is therefore not guilty of assault because the mental state reflects he didn’t focused on the results (Johnson E. A., 2016). These factors can be used for making a strong defence case for Steve. The mental state depicts that the act was not committed purposely or recklessly.

References

Brief of Petitioner at 19, Elonis v. United States, 135 S. Ct. 2001 (2015) (No. 13-983).

Defence. (2019). *What are the best defences to an assault charge?* . Retrieved 12 04, 2019, from https://www.oykhmancriminaldefence.com/faq/best-defences-to-assault-charge

Justica. (2019). *Assault* . Retrieved 12 04, 2019, from https://www.justia.com/criminal/docs/uniform-crime-reporting-handbook/assault/

Johnson, E. A. (2016). Understanding General and Specific Intent: Eight Things I Know For Sure . *OHIO STATE JOURNAL OF CRIMINAL LAW , 13* (2).

Johnson, E. A. (2012). Understanding General and Specific Intent: Eight Things I Know for Sure. *Ohio State Journal of Criminal Law* *, 13*.