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CRIMINAL LAW §1 - 303

**COVERING CASES FROM
STATE AND FEDERAL COURTS**

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20. In general.

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U.S.Cal. 1960. Existence of a mens rea is rule of, rather than exception to principles of Anglo-American criminal jurisprudence.

Smith v. People of State of Cal., 80 S. Ct. 215, 361 U.S. 147, 4 L.Ed.2d 205, rehearing denied 80 S.Ct. 399, 361 U.S. 950, 4 L.Ed.2d 383.

U.S.Cal. 1958. A "vicious will" is not always necessary to constitute a crime, and conduct alone, without regard to intent of doer, is often sufficient.

Lambert v. People of State of Cal., 78 S.Ct. 240, 355 U.S. 225, 2 L.Ed.2d 228, modification and rehearing denied 78 S.Ct. 410, 355 U.S. 937, 2 L.Ed.2d 419.

C.A.Cal. 1955. Generally in criminal cases, the word "wilful" means no more than that the person charged with the duty, knows what he is doing and it does not mean that in addition he must suppose that he is breaking the law.

Finn v. U. S., 219 F.2d 894, certiorari denied 75 S.Ct. 583, 349 U.S. 906, 99 L.Ed. 1242.

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D.C.Cal.. 1952. An unlawful act is done "wilfully" if done voluntarily and purposely and with specific intent to do that which law forbids.

U. S. v. Schneiderman, 106 F.Supp. 906.

D.C.Cal.. 1952. To act "knowingly" means to act voluntarily and purposely, and not because of mistake or inadvertence or other innocent reason. 18 U.S.C.A. § 2385.

U. S. v. Schneiderman, 102 F.Supp. 87.

To act "wilfully" means to act not only voluntarily and purposely but also with specific intent to tion of law. 18 U.S.C.A. § 2385.

U. S. v. Schneiderman, 102 F.Supp. 87.

D.C.Cal. 1945. "Willfulness", when used to characterize an act in realm of criminal law, means more than mere voluntariness, and implies a purposeful design to do a thing with evil or illegal design.

Bowles v. Jung, 57 F.Supp. 701.

D.C.Cal. 1944. Neither individuals nor _ groups should be held criminally liable unless their activities show clearly an intention to commit, aid, advise, or encourage, willfully and intentionally, a criminal act.

U. S. v. San Francisco Electrical Contractors Ass'n, 57 F.Supp. 57.

Cal. 1969. Though defendant's conduct may in fact have been in some sense psychologically predictable, such fact did not of itself affect his criminal liability. West's Ann.Pen.Code, § 187, 189.

People v. Morse, 76 Cal.Rptr. 391, 70 C. 2d 711, 452 P.2d 607.

Cal. 1967. Word "intent" as used in statute providing that in every crime or public offense there must exist union or joint operation of act and intent, or criminal negligence, means wrongful intent. West's Ann.Pen.Code, § 20.

People v. Wilson, 59 Cal.Rptr. 156, 66 C. 2d 749, 427 P.2d 820.

Cal. 1966. Law recognizes honest purpose, not dishonest ignorance of the law, as a defense to a charge of committing a crime requiring specific intent.

People v. Smith, 48 Cal.Rptr. 382, 63 C. 2d 779, 409 P.2d 222, certiorari denied 87 S.Ct. 2119, 388 U.S. 913, 18 L.Ed.2d 1353, rehearing denied 88 S.Ct. 13, 389 U.S. 893, 19 L.Ed.2d 211

Cal. 1964. Under concept of mens rea, the guilty mind, conduct accompanied by certain specific mental states, not conduct alone, should concern the law.

People v. Hernandez, 39 Cal.Rptr. 361, 61 C.2d 529, 393 P.2d 673, 8 A.L.R.3d 1092.

"Mens rea" means that there must be a joint operation and intent to constitute the commission of a criminal offense. West's Ann.Pen.Code, § 20.

People v. Hernandez, 39 Cal.Rptr. 361, 61 C.2d 529, 393 P.2d 673, 8 A.L.R.3d 1092.

Cal. 1959. A person may objectively manifest discretion of free will and a sound mind, and yet be without intent. West's Ann.Pen.Code, § 20, 21, 22, 26, subd. 5, 188.

People v. Gorshen, 336 P.2d 492, 51 C.2d 716.

Cal. 1956. Union of act and intent, or criminal negligence, is an invariable element of every crime unless it is excluded expressly or by necessary implication. West's Ann. Pen.Code, § 20.

People v. Stuart, 302 P.2d 5, 47 C.2d 167, 55 A.L.R.2d 705.

Cal. 1950. "Criminal intent" is nothing more than the intentional doing of that which the law declares to be crime.

People v. Zerillo, 223 P.2d 223, 36 C.2d 222.

Cal. 1940. A lawful act cannot be rendered unlawful merely because actors intended to follow it by an unlawful act.

People v. Werner, 105 P.2d 927, 16 C.2d 216.

Cal. 1883. It is the animus with which an act is done which constitutes its criminality and the intention of every act may be proved by direct or indirect evidence of the circumstances connected with the crime.

People v. Welsh, 63 C. 167, 11 P.C.L.J. 34.

Malice, in legal sense, means wrongful act, done intentionally, without just or legal cause or excuse.

Cal. 1868. People v. Taylor, 36 C. 255.

Cal. 1867. Maynard v. Fireman's Fund Ins. Co., 34 C. 48, 91 Am.Dec. 672.

Cal. 1867. To constitute a crime, the criminal act must be accompanied by a criminal intent or criminal negligence. People v. White, 34 C. 183.

Cal.App. 1969. When person intentionally does act which law declares to be a crime, he is acting with criminal intent, even though he may not know that his act or conduct is unlawful.

People v. Cannedy, 76 Cal.Rptr. 24, 270 C.A.2d 669.

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Cal.App. 1968. For purposes of criminal law. "malice" is the intentional doing of an act without justification or excuse or mitigating circumstances, an intent to do a wrongful act.

People v. Salcido, 69 Cal.Rptr. 193, 263 C.A.2d 1, certiorari denied 89 S.Ct. 902, 393 U.S. 1102, 21 L.Ed.2d 795.

Cal.App. 1968. One cannot be held responsible for criminal consequences of act when he is incapable of achieving specific intent which constitutes essential element of crime.

People v. Wilson, 67 Cal.Rptr. 678, 261 C.A.2d 12.

intent

Cal.App. 1968. Intent and motive are not synonymous.

People v. Chapman, 67 Cal.Rptr. 601, 261 C.A.2d 149.

Cal.App. 1964. Abandonment of intent is only a defense if attempt to commit crime freely and voluntarily abandoned before act is put in process of final execution.

People v. Claborn, 36 Cal.Rptr. 132, 224 C.A.2d 38, quoting 22 C.J.S. Criminal Law § 37.

Cal.App. 1963. Intent to do forbidden thing constitutes criminal intent, and one, to be guilty of crime, must intend the conduct which fits description of the crime and must engage in that conduct knowingly and wilfully.

People v. Longino, 35 Cal.Rptr. 367, 222 C.A.2d 734.

Intent to violate law or to do a wrong is not necessary to "criminal intent," but "criminal intent" exists whenever a person intentionally does that which law declares to be a crime, even though he may not know that he is committing a crime or that his act wrong.

People v. Longino, 35 Cal.Rptr. 367, 222 C.A.2d 734.

Cal.App. 1963. Substantially criminal acts may be distinguished by intent which prompts them.

People v. Kuhn, 31 Cal.Rptr. 253, 216 C. A.2d 695.

Cal.App. 1959. Before a person may be found guilty of a crime it is not essential that the proof should show that such person, entertained any intent to violate the law since it is sufficient that he intentionally committed forbidden act. West's Ann.Code Civ.Prec. § 1963, subd. 2 ; West's Ann.Pen, Code, § 21.

People v. Bateman, 345 P.2d 334, 175 C. A.2d 69.

Cal.App. 1950. The word "willfully," as used in criminal statutes, implies purpose or willingness to commit act and guilty person's knowledge of what he is doing, intent to do it, and free agency, though evil intent is not required. West's Ann.Pen.Code, § 7, subd. 1. Murrill v. State Bd. of Accountancy of Dept. of Professional and Vocational Standards, 218 P.2d 569, 97 C.A.2d 709.

Cal.App. 1946. The statute providing that in every crime there must exist a union of act and intent does not mean that a positive, wilful intent to violate the law is an essential ingredient of every offense, and does not require proof of specific intent in order to justify a conviction if the specific intent is not made an ingredient of the statutory offense. West's Ann.Pen.Code, §§ 7, 20.

People v. Reznick, 171 P.2d 952, 75 C.A. 2d 832.

Cal.App. 1945. The intent referred to in statute providing that in every crime there must exist a union or joint operation of act and intent or criminal negligence is merely an intention to do the unlawful act. West's Ann.Pen.Code, § 20.

People v. Wade, 163 P.2d 59, 71 C.A.2d 646.

Cal.App. 1944. If intent is not made an affirmative element in an offense performed knowingly, the law imputes a criminal intent. West's Ann.Pen.Code, § 7, 8, 20, 21, 26.

People v. Peak, 153 P.2d 464, 66 C.A.2d 894.

Cal.App. 1936. "Willfully" within statute defining term when applied to intent with which act is done or omitted implies purpose or willingness to commit the act, including idea that person doing act was conscious of or knew what he was doing and all circumstances connected therewith, and does not imply an intent to violate law or injure another, but, where word is used in connection with specific statement showing purpose to injure another, it implies criminal intent if law makes doing of act with such purpose a criminal act. West's Ann.Pen.Code, § 7.
People v. Johnson, 58 P.2d 211, 14 C.A.2d 373.

Cal.App. 1933. Where overt act discloses intention to commit crime, subsequent intention to withdraw should be manifested by free and voluntary act.
People v. Corkery, 25 P.2d 257, 134 C.A. 294.

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Cal. App. 1933. Intent to commit criminal act is essential element of crime.
People v. Hoenschle, 22 P.2d 777, 132 C. A. 387.

Cal. App. 1928. Intent must be shown, where fraud is essential to crime.
People v. Anderson, 272 P. 755, 95 C.A. 225.

Cal.App. 1910. One who innocently aids in the commission of a crime is not guilty within Pen.Code, § 31, making those persons guilty of a crime who aid and abet in its commission.
People v. Fredoni, 108 P. 663, 12 C.A. 685.

Cal.App. 1908. Where persons did not suggest nor encourage a conspiracy by state senators to extort a bribe, but laid a trap to apprehend and punish the conspirators on learning of the conspiracy, they were guilty of no offense in feigning to be accomplices.
People v. Emmons, 95 P. 1032, 7 C.A. 685.

Cal.Super. 1931. "Willfulness," if made vital ingredient of crime, implies knowledge and purpose to do wrong.
People v. Armentrout, 1 P.2d 556, 118 C. A.Supp. 761.

Where specific intent must exist, defendant, to be guilty, must specifically contemplate ultimate act.
People v. Armentrout, 1 P.2d 556, 118 C. A.Supp. 761.

Law Rev. 1966. Mens rea considered. 18 Stan.L.R. 322.

Law Rev. 1965. Malice and the Model Penal Code. 17 Hastings L.J. 11.

Law Rev. 1965. Mistake of age as defense to statutory offense. 17 Stan.L.R. 309.

Law Rev. 1961. Mens rea and revision of the penal code. 13 Stan.L.R. 255.

Law Rev. 1960. Strict liability in the criminal law. 12 Stan.L.R. 731.

Law Rev. 1960. Admissibility of subjective abnormality to disprove criminal mental states. 12 Stan.L.R. 226.

Law Rev. 1957. Criminal law: bigamy: intent required in bigamy and other offenses. 45 C.L.R. 70.

21. - Acts prohibited by statute.

U.S.Cal. 1960. It is competent for states to create strict criminal liabilities by defining criminal offenses without any element of scienter, but such power is not without limitation, even where no freedom-of-expression question is involved.

Smith v. People of State of Cal., 80 S. Ct. 215, 361 U.S. 147, 4 L.Ed.2d 205, rehearing denied 80 S.Ct. 399, 361 U.S. 950, 4 L.Ed.2d 383.

C.A.Cal. 1968. Fact that a criminal statute omits any mention of intent does not mean that it will necessarily be construed as eliminating that element from the crime denounced. Pena-Cabanillas v. U. S., 394 F.2d 785.

Where statute is silent as to intent, it becomes a question of legislative intent to be construed by the court.

Pena-Cabanillas v. U. S., 394 F.2d 785.

C.A.Cal. 1967. Whether knowledge of illegality is ingredient of statutory offense depends upon legislative intent.

Cohen v. U. S., 378 F.2d 751, certiorari denied 88 S.Ct. 217, 389 U.S. 897, 19 L.Ed.2d 215.

Failure to act may be punished as felony only if there is proof that accused knew, or probably knew, that there was duty to act and penalty imposed for failing to discharge duty, or was aware of circumstances which should have moved him to inquire.

Cohen v. U. S., 378 F.2d 751, certiorari denied 88 S.Ct. 217, 389 U.S. 897, 19 L.Ed.2d 215.

C.A.Cal. 1961. Rule that persons may not be convicted of failure to take affirmative action without a showing of their knowledge of requirement, does not apply to crimes created by statutes which involve public welfare.

Burks v. U. S., 287 F.2d 117, certiorari denied 82 S.Ct. 868, 369 U.S. 841, 7 L. Ed.2d 846, rehearing denied 82 S.Ct. 1143, 369 U.S. 882, 8 L.Ed.2d 284.

C.A.Cal. 1957. The word "wilful" in a criminal statute is a word of many meanings and generally means an act done with a bad purpose.
Chow Bing Kew v. U. S., 248 F.2d 466, certiorari denied 78 S.Ct. 259, 355 U.S. 889, 2 L.Ed.2d 188.

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D.C.Cal. 1957. Where criminal statute simply denounces the doing of an act as criminal, the law imputes intent, especially those offenses mala prohibita.
U. S. v. Eramdjian, 155 F.Supp. 914.

D.C.Cal. 1953. No criminal intent is re-wired to violate a statute regulating economic activity.
U. S. v. Wilmarth, 112 F.Supp. 540.

D.C.Cal. 1952. A person knowingly doing an act forbidden by law or knowingly failing to do an act commanded by law, with intent to violate law or in reckless disregard law, acts with specific intent to commit such offense, as required to warrant conviction thereof.
U. S. v. Schneiderman, 106 F.Supp. 906.

The prosecution need not prove accused's knowledge that particular act or failure to act was violation of law in order to warrant conviction of such offense, as every one is to know what law forbids and commands, but evidence that accused acted or failed to act because of ignorance of law must be considered in determining whether had specific intent to violate law as charged.
U. S. v. Schneiderman, 106 F.Supp. 906.

Cal. 1948. The word "wilfully" as used criminal statute implies a purpose or will-ess to commit the act, and although it es not require an evil intent, it implies that the person knows what he is doing, intends to do what he is doing and is a free agent.
West's Ann.Pen.Code, § 7, subd. 1.
Ex parte Trombley, 193 P.2d 734, 31 C.2d 801, followed in Trombley v. Justice's Court of Tp. 15, Contra Costa County, 199 P.2d 5, 31 C.2d 868.

Cal. 1946. The statute providing that in every crime or public offense there must exist a union or joint operation of act and intent, not mean that a positive, willful t to violate the law is an essential in-ent of every offense, and does not require proof of specific intent in order to justify a conviction if a specific intent is not made an ingredient of the statutory offense.
West's Ann.Pen.Code, § 20.
People v. Gory, 170 P.2d 433, 28 C.2d 450.

The intentional doing of an act expressly prohibited by statute constitutes the offense denounced by the law regardless of good motive or ignorance of criminal character of the act.

West's Ann.Pen.Code, § 20.

People v. Gory, 170 P.2d 433, 28 C.2d450.

Cal. 1926. In view of Pen.Code, § 7, 20, proof of intent to violate law is not essential to conviction ; intention to commit forbidden act being sufficient.

People v. Dillon, 248 P. 230, 199 C. 1.

Cal. 1925. It is within legislative power to declare that knowledge of criminal character of act shall or shall not be necessary element of offense.

People v. McClenegen, 234 P. 91, 195 C. 445.

Under Pen.Code, § 7, subds. 1, 5, it is not necessary to guilt of offense that person shall have specific intent to violate law but sufficient if he intentionally commits forbidden act and mistake of fact or want of intent is not in every case a defense.

People v. McClenegen, 234 P. 91, 195 C. 445.

Cal. 1916. Whether a criminal intent or guilty knowledge is an essential element of a statutory offense is often a matter of construction.

Ex parte Ahart, 159 P. 160, 172 C. 762.

Cal.App. 1968. Although criminal statutes are not often construed to impose sanctions in absence of mens rea or guilty intent, an exception occurs where statute is an expression of a legislative policy to be served by strict liability.

People v. Steely, 72 Cal.Rptr. 368, 26G C.A.2d 591.

Cal.App. 1968. Although criminal statutes are not often construed to impose sanctions in absence of mens rea or guilty intent, an exception occurs when the statute is an expression of a legislative policy to be served by strict liability.

People v. Wells, 68 Cal.Rptr. 400, 261 C. A.2d 468.

Cal.App. 1968. Word "willfully" as used in criminal statutes implies a purpose or willingness to commit the act and implies that actor knows what he is doing and intends to do what he is doing and is a free agent, although it does not require an evil intent.

West's Ann.Pen.Code, § 7, 1319.4.

People v, McCaughey, 67 Cal.Rptr. 683, 261 C.A.2d 131.

Cal.App. 1955. "Criminal intent" is intention to do act which constitutes violation of law, and does not necessarily involve an intent to violate law, and hence ignorance of illegal nature of act is not a bar to conviction.

People v. Kuykendall, 285 P.2d 996, 134 C.A.2d 642.

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Cal.App. 1953. Legislature has power to declare an act criminal irrespective of knowledge of doer that facts exist which make act unlawful.

People v. Daniels, 257 P.2d 1038, 118 C. A.2d 340.

Whether knowledge of facts is necessary element in statutory offense is matter of construction to be determined from consideration of subject matter of statute, its language, evil sought to be eradicated, its manifest purpose and design, and consequences of several constructions to which statutes may be susceptible.

People v. Daniels, 257 P.2d 1038, 118 C. A.2d 340.

Cal.App. 1953. The requirement that a criminal statute require a specific criminal intent does not apply to crimes based on public policy, and an act is so predicated if, in order to save State from certain acts universally deemed to be inimical to public welfare, the act is forbidden and a penalty is prescribed for its violation.

People v. Darby, 250 P.2d 743, 114 C.A. 2d 412, appeal dismissed 73 S.Ct. 833, 345 U.S. 937, 97 L.Ed. 1364.

Cal.App. 1944. It is only where, from language or effects of penal law, a purpose to require § 20.

People v. Sweeney, 153 P.2d 371, 66 C.A. 2d 855.

Cal.App. 1936. Unless intent with which an act is done is specifically made a necessary element of crime by terms of statute, it is not necessary to allege or prove that the act is performed with the intent of violating the law.

People v. Murphy, 62 P.2d 592, 17 C.A.2d 575.

Cal.Super. 1957. Word "wilfully" as used in criminal statutes implies purpose or willingness to commit act, and although it does not require an evil intent, it implies that person knows what he is doing, intends to do what he is doing, and is a free agent.

People v. Neal C. Oester, Inc., 316 P.2d 784, 154 C.A.2d Supp. 888.

Cal.Super. 1938. The word "willfully," as used in the criminal law, implies simply purpose or willingness to commit unlawful acts, and does not necessarily imply specific intent to violate law or to injure another. West's Ann.Pen.Code, § 258. People v. Faber, 77 P.2d 921, 29 C.A.2d Supp. 751.

Cal.Super. 1931. In statutory offense, created under police power, unless wrongful intent or guilty knowledge, commonly designated by words "willfully" or "maliciously," is made essential element of prohibited act, intent to disobey law is immaterial.

People v. Armentrout, 1 P.2d 556, 118 C. A.Supp. 761.

Atty.Gen. 1950. In cases where Legislature has defined a crime and has merely made act or omission an offense, evidence of specific intent is not required. 50-101, 15 Op.Atty.Gen. 300. In prosecution for crime, whether specific intent is required in given case is to be determined by ascertaining legislative intent by application of usual rules of statutory construction. 50-101, 15 Op.Atty.Gen. 300.

Law Rev. 1952. Intent in statutory offenses. 25 So.Cal.L.R. 362.

Law Rev. 1951. Criminal intent and scienter in statutory offenses. 25 So.Cal.L.R. 135.

Law Rev. 1947. Necessity for criminal intent as element of statutory offense. 35 C.L.R. 583.

22. -- Motive.

D.C.Cal. 1952. "Motive" is that which prompts a person to act while "intent" refers only to state of mind with which act is done.

U. S. v. Schneiderman, 106 F.Supp. 906.

Good motive for commission of criminal act is no defense to prosecution therefor, but motive of person intentionally doing an act denounced by law as a crime is immaterial except insofar as evidence of motive may aid in determination of issue of defendant's intent to commit crime.

U. S. v. Schneiderman, 106 F.Supp. 906.

Cal. 1919. While the absence of a motive tends to support the presumption of innocence, proof of motive is not essential to convict of a crime, where the other evidence established its perpetration.

People v. Tom Woo, 184 P. 389, 181 C. 315.

Cal.App. 1968. Intent and motive are not synonymous.

People v. Chapman, 67 Cal.Rptr. 601, 261 C.A.2d 149.

Cal.App. 1967. For purposes of determining whether specific intent is necessary

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as element of statutory offense, motive is same as intent.

People v. Mendoza, 60 Cal.Rptr. 5, 251 CA.2d 835.

App. 1965. In construing meaning of term "willful" when used in criminal statute distinction must be made between a which is one of the "public welfare of-and a "codified

common-law of-in that the latter calls for general intent, while the former usually revokes the intentional doing of act with knowledge of its potential consequences.

People v. Beaugez, 43 Cal.Rptr. 28, 232 C.A.2d 650.

Cal.App. 1963. If specific intent is not ingredient of statutory offense, it is not necessary to prove such specific intent in order to justify conviction.

Dunn v. Municipal Court, Eureka Judicial Dist., 34 Cal.Rptr. 251, 220 C.A.2d 858.

To render person guilty of public offense which specific intent is not ingredient, it sufficient that he intentionally committed forbidden act, and it is not essential to prove that person charged entertained any intent violate law and it is presumed that unlawful act was done with unlawful intent. West's Ann.Code Civ.Proc. § 1963, subd. 2.

Dunn v. Municipal Court, Eureka Judicial Dist., 34 Cal.Rptr. 251, 220 C.A.2d 858.

Cal.App. 1963. Guilty knowledge and in-not elements of offense defined in ate which omits qualifying word "wilfully".

People v. Kuhn, 31 Cal.Rptr. 253, 216 C. A.2d 695.

Word "wilfully" as used in criminal statute implies a purpose or willingness to it the act and implies that person intended knows what he is doing, intends to do what he is doing, and is a free agent.

People v. Kuhn, 31 Cal.Rptr. 253, 216 C. A.2d 695.

Cal.App. 1959. Whether knowledge is essential element of permitting act proscribed by statute is matter of construction be determined by considering subject matof statute, its language, evil sought to be prevented, its obvious purpose, and consequences of several constructions to which statute may be susceptible.

Brodsky v. California State Bd. of Pharmacy, 344 P.2d 68, 173 C.A.2d 680.

Cal.App. 1947. The motive with which offense is committed is immaterial.

People v. Cannon, 176 P.2d 409, 77 C.A. 2d 678.

Cal.App. 1946. The intentional doing of n act expressly prohibited by statute constitutes the offense denounced by the law regardless of good motive or ignorance of criminal character of the act. West's Ann. Pen.Code, 7, 20.

People v. Reznick, 171 P.2d 952, 75 C.A. 2d 832.

Cal.App. 1939. In prosecution for issuing checks without sufficient funds, it was defense that defendant delivered checkpersons who cashed them at places other than bank upon which they were drawn. Pen.Code, § 476a.
People v. Philbrook, 93 P.2d 577, 34 C.A. 2d 449.

Law Rev. 1962. Public welfare offenses, without element of unlawful intent. 35 So.Cal.L.R. 423.

Law Rev. 1960. Strict liability in the criminal law. 12 Stan.L.R. 731.

23. - Negligence.

Law Rev. 1965. Criminal negligence and the Model Penal Code.
17 Hastings L.J. 10.

Law Rev. 1960. Strict liability in the criminal law. 12 Stan.L.R. 731.

Law Rev. 1956. Criminal as compared with civil negligence under statutes. 29 So.Cal.L.R. 500.

24. Presumption from unlawful act.

D.C.Cal. 1952. A person is held to intend all natural and probable consequences of acts knowingly done by him, that is, all consequences which one standing in like circumstances and possessing like knowledge should reasonably expect to result from such acts.
U. S. v. Schneiderman, 106 F.Supp. 906.

An act is done knowingly, within rule that person is held to intend all natural and probable consequences of acts knowingly done by him, if it is done voluntarily and purposely and not because of mistake, inadvertence, or other innocent reason.
U. S. v. Schneiderman, 106 F.Supp. 906.

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D.C.Cal. 1944. The law presumes that persons intend the necessary and direct consequences of their acts.
U. S. v. Dried Fruit Ass'n of California, 4 F.R.D. 1.

Cal. 1956. An unlawful act proved to have been done by person accused thereof is presumed to have been intended, and burden is on him to prove justification or excuse overcoming such presumption.
People v. Vogel, 299 P.2d 850, 46 C.2d 798.

Cal. 1940. A man is presumed to have intended that which he has done or that which is the immediate and natural consequence of his act, but where an act becomes criminal only when performed with a particular intent, that intent must be alleged and proved.
People v. Snyder, 104 P.2d 639, 15 C.2d 706.

Cal. 1884. A person is presumed to intend all the natural, probable, and usual consequences of his own act, but not all the "possible" consequences of his act. People v. Munn, 3 P. 650, 56 C. 211.

Cal.App. 1963. To render person guilty of public offense in which specific intent is not ingredient, it is sufficient that he intentionally committed forbidden act, and it is not essential to prove that person charged entertained any intent to violate law and it is presumed that unlawful act was done with unlawful intent. West's Ann.Code Civ. Proc. § 1963, subd. 2.

Dunn v. Municipal Court, Eureka Judicial Dist., 34 Cal.Rptr. 251, 220 C.A.2d 858.

Cal.App. 1960. There is presumption that an unlawful act was done with an unlawful intent and that a person intends the ordinary consequences of his voluntary act. West's Ann.Pen.Code, § 470.

People v. Williams, 8 Cal.Rptr. 871, 186 C.A.2d 420.

Cal.App. 1959. In prosecution for selling or giving to a person promised a narcotic another substance in lieu of it, law presumed that the act of defendant in aiding and abetting the sale to have been intended. West's Ann.Health & Safety Code, §§ 11500-11502.

People v. Dalton, 341 P.2d 793, 172 C.A. 2d 15.

Cal.App. 1959. An unlawful intent is logically inferred from the doing of an unlawful act. West's Ann.Pen.Code, § 20.

People v. Lopez, 336 P.2d 614, 168 C.A.2d 15.

Cal.App. 1958. There is a presumption that an unlawful act was done with an unlawful intent and that a person intends the ordinary consequences of his voluntary act. West's Ann.Code Civ.Proc. § 1963, subds. 2, 3.

People v. Chapman, 319 P.2d 8, 156 C.A. 2d 151.

Cal.App. 1954. An unlawful act is presumed to have been done with intent to violate the law.

People v. Severino, 264 P.2d 656, 122 C. A.2d 172.

Cal.App. 1945. If one does an unlawful act voluntarily and wilfully, he is presumed to have intended what he did as well as all natural, probable, and usual consequences of his act. People v. Wade, 163 P.2d 59, 71 C.A.2d 646.

Cal.App. 1942. In resisting arrest by private person for crime committed in his presence, accused is presumed to have intended the ordinary consequences of his voluntary act. West's Ann.Code Civ.Proc. § 1963. People v. Score, 120 P.2d 62, 48 C.A.2d 495.

Where accused, when discovered by owner of parked automobile inside of car tampering with contents, struck owner, who attempted to hold him, and ran away followed by owner who engaged in scuffle with him, during which accused struck owner ' with his fist, and during the scuffle both fell to ground, accused on top of owner, whose leg was doubled up and broken in two places, accused's guilt was not to be measured solely by the intentional blows applied but he was also liable for the broken leg, under the rule that in resisting arrest he was presumed to have intended ordinary consequences of his voluntary act. West's Ann.Vehicle Code, §§ 503, 504 ; West's Ann.Pen.Code, §§ 245, 837, 841, 849 ; West's Ann.Code Civ.Proc. § 1963. People v. Score, 120 P.2d 62, 48 C.A.2d 495.

Cal.App. 1940. Generally, one is presumed to have intended the immediate and natural consequences of his act, but, where the act becomes criminal only when performed with a particular intent, the intent must be alleged and proved as a fact. People v. Pineda, 106 P.2d 25, 41 C.A.2d 100.

Cal.App. 1940. Where a specific intent is made an element of the crime charged, the specific intent cannot be presumed from the

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doing of the unlawful act, but must be proved as a fact. People v. Neal, 104 P.2d 555, 40 C.A.2d 115.

Cal.App. 1939. The term "knowingly" means "with knowledge" and when used in a prohibitory statute is generally held to refer to knowledge of the essential facts, and from such knowledge of the facts, the law presumes the knowledge of legal consequences arising from the performance of the prohibited act. West's Ann.Pen.Code, § 7, subd. 5. People v. Flumerfelt, 96 P.2d 190, 35 C.A.2d 495.

Cal.App. 1935. Person is presumed to intend to do things which he does, and especially so when they are done in commission of a crime, excepting where intent must be proved as necessary element.

People v. Head, 50 P.2d 832, 9 C.A.2d 647.

Cal.App. 1933. Statutory presumption that person intends ordinary consequences of his voluntary act amounts to evidence. West's Ann.Code Civ.Proc. § 1963, subd. 3.
People v. Jennings, 20 P.2d 111, 130 C.A. 582.

Cal.App. 1927. Specific intent as element of offense is not presumed from unlawful act, but must be proved as fact, except in murder cases.
People v. Flores, 260 P. 822, 86 C.A. 235.
ly reckless in exposing others to danger is held to have intended natural consequences.
People v. Vasquez, 259 P. 1005, 85 C.A. 575.

That defendant convicted of assault, drove automobile on dark night without headlights held to justify finding that he intended natural and probable consequences. West's Ann.Vehicle Code, § 618, 619, 625, 635, 636, 661-663, 737 ; West's Ann.Pen.Code, § 240.
People v. Vasquez, 259 P. 1005, 85 C.A. 575.

Cal.App. 1927. Law presumes that act, if knowingly done, was done with criminal intent only when intent is not made affirmative element of crime. West's Ann.Code Civ.Proc. § 1962, subd. 1.
People v. Mock Ming Fat, 256 P. 270, 82 C.A. 618.

Cal.App. 1923. When the intent is not made an affirmative element of the crime, the law imputes that the act knowingly was done with criminal intent, though the offender was honestly mistaken as to the meaning of the law violated.
People v. McCalla, 220 P. 436, 63 C.) 783, error dismissed E. E. McCalla C, v. People of State of California, 45 t Ct. 461, 267 U.S. 585, 69 L.Ed. 799.

Cal.App. 1922. A defendant who joined the Communist Labor Party and participate in drawing the resolutions adopted by it which were in violation of the Criminal Syndicalism Act, cannot rely as a defense o a claim that she did not realize she was al(ing disloyalty, and, under Code Civ.Proc. 1962, a guilty intent is conclusively presumed from the deliberate commission of a unlawful act.
People v. Whitney, 207 P. 698, 57 C.A 449, error dismissed 46 S.Ct. 22, 26 U.S. 530, 70 L.Ed. 396, reargument vacated and affirmed 47 S.Ct. 641, 27 U.S. 357, 71 L.Ed. 1095.
Cal.App. 1911. I. A person is presumed t intend the natural and probable consequences of his own voluntary act.
People v. Moxley, 120 P. 43, 17 C.A. 46

Cal.App. 1911. When the intent is not made an affirmative element of a crime, the law imputes that the act knowingly don was with criminal intent, and it need not b alleged nor proven.

People v. Wolfrom, 115 P. 1088, 15 C.A. 732.

Cal.App. 1907. Under Code Civ.Proc. 1962, 1963, providing that the law presume a guilty intent from the deliberate commission of an unlawful act, and that a person: intends the ordinary consequences of his acts, the intent essential under Pen.Code, 20, to constitute a crime, is evidenced by the acts of accused, and the presumptions arising therefrom, which presumption attaches successively to each act as done, regardless of the original intent. People v. White, 90 P. 471, 5 C.A. 32f

Cal.Super. 1938. Where specific intent is not part of the definition of a crime, necessary intent is conclusively presumed from the intentional performance of the act denounced, though offender was honestly mistaken as to the meaning of the law. People v. Faber, 77 P.2d 921, 29 C.A.2d Supp. 751.

25. Unintended consequences or act.

Cal.App. 1939. Under California law, as at common law, the nature of crime actually committed, and not act contemplated, determines liability and character of guilt no

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only of the one committing the act but of those who counseled him to proceed. People v. King, 85 P.2d 928, 30 C.A.2d 185.

26. Criminal act or omission.

Library references
C.J.S. Criminal Law § 37.

U.S.Cal. 1945. One cannot be convicted for doing the very thing which it is a crime to fail to do. Toyosaburo Korematsu v. U. S., 65 S.Ct. 193, 323 U.S. 214, 89 L.Ed. 194, rehearing denied 65 S.Ct. 674, 324 U.S. 885, 89 L.Ed. 1435.

C.A.Cal. 1958. A man is innocent if he did not commit an unlawful act, whatever the explanation may be for his good behavior, and it is immaterial that his refusal to engage in unlawful conduct was actuated by fear of being caught. Evans v. U. S., 257 F.2d 121, certiorari denied 79 S.Ct. 98, 358 U.S. 866, 3 L. Ed.2d 99, rehearing denied 79 S.Ct. 221, 358 U.S. 901, 3 L.Ed.2d 150.

C.A.Cal. 1958. In absence of all evidence to the contrary, complete crimes committed on different dates or in different places are considered separate and different crimes, and support separate charges.

Chanan Din Khan v. Barber, 253 F.2d 547, certiorari denied 78 S.Ct. 1361, 357 U.S. 920, 2 L.Ed.2d 1364.

C.A.Cal. 1957. The phrase "corpus delicti" includes first, the fact of injury or a loss, and secondly the fact of somebody's responsibility and it does not include the fact of connection of the accused with the crime or his identity as the criminal, or the guilty agent thru whom the wrong has occurred.

Sandez v. U. S., 239 F.2d 239, rehearing denied 245 F.2d 712.

D.C.Cal. 1967. Whether any particular statute is directed against specific acts or only against a prescribed "course of conduct" involving such acts depends upon form and purpose of statute involved.

U. S. v. American Honda Motor Co., 271 F.Supp. 979.

Cal. 1959. Although law does not impose punishment for guilty intent alone, it does impose punishment when guilty intent is coupled with action that would result in a crime but for intervention of some fact or circumstance unknown to the defendant.

People v. Camodeca, 338 P.2d 903, 52 C. 2d 1.42.

Cal. 1956. Union of act and wrongful intent is invariable element of every crime, unless excluded by statute expressly or by necessary implication. West's Ann.Pen.Code, 20.

People v. Vogel, 299 P.2d 850, 46 C.2d 798.

To constitute a crime, an evil act and evil intent must concur, so that intent with which unlawful act was done, as well as other material facts stated in indictment, must be proved by either direct or indirect evidence tending to establish fact or by inference of law from other facts proved.

People v. Vogel, 299 P.2d 850, 46 C.2d 798.

Cal. 1949. In every crime there must exist a union or joint operation of act and intent. West's Ann.Pen.Code, § 20.

People v. Wells, 202 P.2d 53, 33 C.2d 330, certiorari denied 70 S.Ct. 43, 338 U.S. 836, 94 L.Ed. 510.

Cal. 1884. An act lawful or meritorious in itself, or which has been done in assertion of a lawful right, is not a punishable criminal act merely because it has been so ad-judged.

In re Tyler, 1 P. 884, 64 C. 434.

Cal.App. 1970. Plausible noncriminal explanation of event does not compel finding of lack of criminal agency.

People v. Small, 86 Cal.Rptr. 478.

Cal.App. 1968. Degree of crime is not part of corpus delicti.

People v. Bolinski, 67 Cal.Rptr. 347, 260 C.A.2d 705.

Cal.App. 1967. Corpus delicti consists of two elements, namely, (1) facts forming basis of appeal, i.e., facts establishing injury, loss or harm ; and (2) criminal agency causing them to exist.

People v. Lopez, 62 Cal.Rptr. 47, 254 C. A.2d 185.

Cal.App. 1967. Requirements contained in statute providing that in every public offense there must be union or joint operation of act and intent, or criminal negligence, apply to all criminal prosecutions. West's Ann.Pen.Code, § 20.

People v. Evans, 57 Cal.Rptr. 276, 249 C.A.2d 254.

Cal.App. 1967. The identity of participants in a crime is not a necessary element of corpus delicti.

People v. Perrin, 55 Cal.Rptr. 847, 247 C.A.2d 838.

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Cal.App. 1965. The "corpus delicti" consists of two elements: (1) the facts forming its basis, and (2) the criminal agency causing them to exist.

Hams v. Superior Court, 45 Cal.Rptr. 627, 236 C.A.2d 80.

Cal.App. 1963. Mere preparation for an offense is not a crime.

People v. Singer, 32 Cal.Rptr. 701, 217 C.A.2d 743.

Cal.App. 1961. Identity of perpetrator of crime is never essential element of corpus delicti.

People v. Westfall, 18 Cal.Rptr. 356, 198 C.A.2d 598.

Cal.App. 1961. "Corpus delicti" means or substance of crime, and may be defined in primary sense as fact that crime actually has been committed.

People v. Cancimilla, 17 Cal.Rptr. 498, 197 C.A.2d 242, quoting 23 C.J.S. Criminal Law § 916(1).

Generally, identity of perpetrator of crime is not element of corpus delicti.

People v. Cancimilla, 17 Cal.Rptr. 498, 197 C.A.2d 242, quoting 23 C.J.S. Criminal Law § 916(1).

Cal.App. 1961. Identity of offender is not part of corpus delicti.

People v. Van Wagoner, 16 Cal.Rptr. 342, 196 C.A.2d 126.

Cal.App. 1961. Identity of perpetrator of crime is not part of corpus delicti.

People v. Birch, 12 Cal.Rptr. 122, 190 C.A. 2d 647.

Cal.App. 1961. Identity of perpetrator of crime is no part of corpus delicti.
People v. Koomer, 10 Cal.Rptr. 607, 188 C.A.2d 676.

Cal.App. 1960. The principle of proximate cause applies to crime as well as tort
People v. Harrison, 1 Cal.Rptr. 414, 176 C.A.2d 330.

Cal.App. 1958. Identity of offender is a part of the corpus delicti.
People v. Cole, 322 P.2d 29, 158 C.A.2d 183.

Cal.App. 1958. Defendant's connection with crime is not of the essence of corpus
People v. McLaughlin, 319 P.2d 365, 156 C.A.2d 291.

Cal.App. 1957. Identity of offender is not part of the corpus delicti.
People v. Sheeley, 311 P.2d 883, 151 C.A. 2d 611.

Cal.App. 1956. Preparation to commit a crime is not enough to result. in commission
of the crime, but some appreciable fragment of the crime must have been committed.
People v. Cummings, 296 P.2d 610, 141 C.A.2d 193.

Cal.App. 1952. The offender's identity is not part of corpus delicti of crime charged.
People v. Pearson, 244 P.2d 35, 111 C.A. 2d 9.

Cal.App. 1949. Prosecution must establish that a crime has been committed, but
identity of person who committed it is not a part of the corpus delicti.
People v. Brower, 207 P.2d 571, 92 C.A. 2d 562.

Cal.App. 1948. All crimes are against the state, and no affirmative action to pre-vent
commission of public offense is required to be taken by any citizen except officials charged
with such duty.
People v. Weber, 190 P.2d 46, 84 C.A.2d 126.

Cal.App. 1945. The "corpus delicti" is the body, substance, essential elements of crime.
People v. Beltowski, 162 P.2d 59., 71 C. A.2d 18.

Cal.App. 1943. That particular transaction considered apart from menace sought to be
prevented may be innocuous does not immunize it from prohibition contained in the
enactment.
Ex parte Maki, 133 P.2d 64, 56 C.A.2d 635.

Cal.App. 1942. The substance. and not mere form of transactions is the proper . test of their
real character, in order to prevent circumvention of statutes framed for the protection of the
public.

People v. Marvin, 119 P.2d 413, 48 C.A. 2d 180.

Cal.App. 1938. In every crime, a union of intent and act must exist.
People v. Werner, 84 P.2d 168, 29 C.A.2d 126.

Cal.App. 1938. The substance and not the mere form of transactions is the proper test of their real character, in order to pre-

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vent circumvention of statutes framed for the protection of the public.
People v. Yant, 80 P.2d 506, 26 C.A.2d 725.

Law Rev. 1956. Honest belief that first spouse has obtained divorce as defense to bigamy charge.
30 So.Cal.L.R. 89.

27. Felonies and misdemeanors. Library references

C.J.S. Criminal Law § 5 et seq. Motor Vehicles § 588.

C.A.Cal. 1968. Defendant was not improperly convicted of violation of California corporate securities law as a felony because the Corporations Code did not state that a violation thereof was "a felony," where such statute provided that violation thereof was punishable by imprisonment in state prison, and the California Penal Code defined a felony as a crime punishable by death or by imprisonment in state prison. West's Ann. Cal.Corp.Code, § 26104(a); West's Ann.Cal. Pen.Code, § 17.
Morrison v. Walker, 404 F.2d 1046.

C.A.Cal. 1965. Under California law, "felony" is crime punishable by state's prison sentence, not one in fact punished by state's prison sentence. West's Ann.Cal.Pen. Code, § 17.
Burr v. Immigration and Naturalization Service, 350 F.2d 87, certiorari denied 86 S.Ct. 905, 383 U.S. 915, 15 L.Ed.2d 669.

Alien who was convicted in California of writing insufficient funds check was not convicted of misdemeanor but of felony. West's Ann.Cal.Pen.Code, § 476a.
Burr v. Immigration and Naturalization Service, 350 F.2d 87, certiorari denied 86 S.Ct. 905, 383 U.S. 915, 15 L.Ed.2d 669.

C.A.Cal. 1963. Stealing checks from the United States mails, or having in possession checks

stolen from the United States mails is a felony. 18 U.S.C.A. §§ 1, 1708.
Ward v. U. S., 316 F.2d 113, certiorari denied 84 S.Ct. 132, 375 U.S. 862, 11 L.Ed.2d 89.

C.A.Cal. 1958. If there is any conflict between general smuggling statute, designating offense as a felony, and Surgeon General's regulation, forbidding importation of psittacine birds, the violation of which is a misdemeanor, with respect to importation of such birds, the general smuggling statute prevails. 18 U.S.C.A. § 545 ; Public Health service Act, § 361, 42 U.S.C.A. § 264.
Duke v. U. S., 255 F.2d 721, certiorari denied 78 S.Ct. 1361, 357 U.S. 920, 2 L.Ed.2d 1365.

C.A.Cal. 1956. A conspiracy to carry off government property by breaking and entering into government building and converting property to one's own use would be punishable as a felony, irrespective of the Assimilative Crimes Statute. Fed.Rules Crim.Proc. rule 24(c), 18 U.S.C.A.
Shibley v. U. S., 237 F.2d 327, certiorari denied 77 S.Ct. 94, 352 U.S. 873, 1 L. Ed.2d 77, rehearing denied 77 S.Ct. 212, 352 U.S. 919, 1 L.Ed.2d 124.

C.A.Cal. 1956. Where offense of knowingly and with intent to defraud introducing Merchandise into the United States contrary law was punishable under statute making arsons guilty of such importation subject to imprisonment of not more than two years, each offense was a felony and defendants who unlawfully imported certain birds were properly sentenced under portion of conspiracy statute applicable to felonies notwithstanding fact there are statutes making unlawful importation of certain animals and such a misdemeanor. 18 U.S.C.A. §§ 1, 42, 43, 371, 545 ; Public Health Service Act, § 368(a), 42 U.S.C.A. § 271(a).
Steiner v. U. S., 229 F.2d 745, certiorari denied Pursseley v. U. S., 76 S.Ct. 845, 351 U.S. 953, 100 L.Ed. 1476, rehearing denied 77 S.Ct. 24, 352 U.S. 860, 1 L.Ed.2d 70, certiorari denied Hadzima v. U. S., 76 S.Ct. 847, 351 U. S. 953, 100 L.Ed. 1476, rehearing denied 77 S.Ct. 24, 352 U.S. 860, 1 L.Ed. 2d 70.

D.C.Cal. 1949. Civilian trespasser who later being ordered to remove automobile from reserved parking zone, engaged in fist fight with military guard in noncombat military area, was at most guilty of a misdemeanor.
Cirri v. U. S., 80 F.Supp. 831.

Cal. 1969. Defendant, who resists an unlawful arrest, can be validly convicted only of simple assault or battery and not of felony under statute making battery on a peace officer engaged in performance of his duties a felony. West's Ann.Pen.Code, §§ 243, 834a.
People v. Curtis, 74 Cal.Rptr. 713, 70 C. 2d 347, 450 P.2d 33.

Cal. 1966. Defendant who issued two insufficient funds checks in amounts of \$17.- or legislative history of cited statutes

