CHECKLIST

Understanding Mens Rea: A Quick Reference

- [ ] Recognise that most crimes require both a guilty act and a guilty mind
- [ ] Understand intention means you aimed at the outcome or knew it was virtually certain
- [ ] Know that recklessness requires awareness of the risk at the time you acted
- [ ] Remember the prosecution must prove your state of mind beyond reasonable doubt
- [ ] Request legal advice immediately if arrested to protect statements about your intent
- [ ] Document your recollection of what you thought at the time for your legal team
- [ ] Challenge prosecution evidence through disclosure if it misrepresents your state of mind
- [ ] Consider whether intoxication or mistake affected your ability to form intent