**General Intent Versus Specific Intent Crimes**

Michael J. DeBlis Jr., Esq. | *Partner*

MJDeBlisJr@DeBlisLaw.com

Michael J. DeBlis III, Esq. | *Partner*

MJDeBlis@DeBlisLaw.com

1012 Broad Street, 2nd Fl

 Bloomfield, NJ 07003

Tel (973) 783-7000

Fax (973) 338-3955

www.DeBlisLaw.com

HIGH-STAKES TAX DEFENSE & COMPLEX CRIMINAL DEFENSE

* 1. General intent crimes
		1. Requires commission of an unlawful act (e.g. non-consensual intercourse) without a specific mens rea. A general bad state of mind will suffice.
		2. Mental state required: Negligence or recklessness is sufficient for general intent crimes. Only intent to do the act, not intent to do the crime.
		3. Note: One of the reasons that the law distinguishes betwee specific and general intent crimes is due to the defense of *voluntary intoxication*. Voluntary intoxication is not a defense to a general intent crime because when it comes to a general intent crime, there is no mental state to negate.
		4. General intent crimes
			1. Rape
			2. Battery
			3. Arson
			4. Kidnapping
			5. False imprisonment
			6. Involuntary manslaughter
			7. Depraved heart murder
	2. Specific intent crimes
		1. Involves more than the objective fault required by merely doing the proscribed actus reus.
		2. Mental state required: In addition, specific intent includes an actual subjective intent to cause the proscribed result. Specific intent may be indicated by the use of such words as intentionally, knowingly, purposely, or willfully.
		3. Note: Voluntary intoxication can only be used as a defense to specific intent crimes. It can only negate a mental state when mental state is an element.
		4. Specific intent crimes
			1. Attempt
			2. Solicitation
			3. Conspiracy
			4. Larceny
			5. Larceny by trick
			6. Burglary
			7. Assault
			8. Robbery
			9. Intent to kill murder
			10. Voluntary manslaughter
	3. Malicious crimes
		1. D must act w/ a reckless disregard of a high risk that harm will occur (example: arson)