

Reviewed by committee 2/16/01,3/16/01,6/15/01
Approved 6/15/01

MENTAL STATES - PURPOSELY

DRAFT

Part of the definition of the crime of _____ is that the defendant acted purposely. A person acts purposely when his/her conscious object is to [cause a certain result][engage in certain conduct]. The State must prove that the defendant had the conscious object to [cause this result][engage in this conduct]. The key words here are “conscious object”. To have a “conscious object” means to have a specific intent. It means that the defendant desired to [cause a certain result][engage in certain conduct]. It is not enough for the state to prove that the defendant knew or was aware of what he/she was doing. Nor is it enough for the state to prove that the defendant created a risk of injury or harm. To prove that the defendant acted purposely requires more than that. It requires proof that the defendant specifically intended or desired to [bring about a particular result][do a particular act].¹

¹ The court and counsel should determine for the crime at issue which elements the mental state applies to, that is, which elements are material elements, as opposed to merely elements. *See* R.S.A. 625:11, IV. Unless a contrary intent plainly appears in the statute defining the crime at issue, the required mental state applies to all material elements. *See* R.S.A. 626:1, I