

Juries Get Confused, Threats Compound

Law Dictionary

**Definitions from Barron's Law Dictionary, Third Edition*

Intent - A state of mind wherein the person knows and desires the consequences of his act. The existence of this state of mind is often impossible to prove directly; consequently, it must be determined from reasonable deductions, such as the likelihood that the act in question would result in the consequent injury. In tort law, intent refers to an actor's desire to cause the consequences of his act or signifies that he believes that the consequences are substantially certain to result from it.

Malice - The state of mind that accompanies the intentional doing of a wrongful act without **justification** or excuse. Refers to an "intent to cause the very harm that results or some harm of the same general nature, or an act done in **wanton** or **willful** disregard of the plain and strong likelihood that some such harm will result. Denotes "a reckless disregard of human life which proceeds from a heart and mind devoid of a just sense of social duty and fatally bent on mischief."

Negligence - Failure to exercise that degree of care which a person of ordinary prudence (a **reasonable man [person]**) would exercise under the same circumstances. It does not comprehend conduct recklessly disregarding of the interests of others. **Gross Negligence** is failure to use even slight care.

Reckless - Careless, heedless, inattentive to duty. The word "reckless" has a wide variety of meaning that may vary in color and content according to the circumstances and the time in which it is used. Some cases hold that the term implies more than carelessness, and in fact reaches the equivalent of "willfulness." In this sense, the term may be used as meaning "foolishly heedless of danger, headlong, impetuously or rashly adventurous; indifferent to consequences; mindless; not caring or noting; rash; or very negligent."

Reckless Disregard - Refers to "an act or conduct destitute of heed or concern for consequences; especially foolishly heedless of danger; headlong, rash; wanton disregard or conscious indifference to consequences. This implies a consciousness of danger and a willingness to assume the risk."

Wanton - Grossly **negligent** or careless; extremely **reckless**, etc.; virtually synonymous with reckless.

Willful implies intent or purpose, while wanton expresses a reckless disregard of consequences.

South Carolina's Definitions

**Definitions from Barron's Law Dictionary, Third Edition*

Intent - A state of mind wherein the person knows and desires the consequences of his act. The existence of this state of mind is often impossible to prove directly; consequently, it must be determined from reasonable deductions, such as the likelihood that the act in question would result in the consequent injury. In tort law, intent refers to an actor's desire to cause the consequences of his act or signifies that he believes that the consequences are substantially certain to result from it.

Negligence - (in SC: "failure to use due care") failure to exercise the level of care that a reasonable person would in similar circumstances, resulting in harm to others; involves inadvertent conduct, where the individual fails to foresee or anticipate the potential harm that their actions (or inactions) could cause. Negligence is judged based on whether the defendant's actions deviated from the standard of care expected in a particular situation. [In SC, problematically-synonymous with "reckless"!]

Recklessness - (In SC: "marked by lack of proper caution") typically defined as conduct that demonstrates a conscious disregard for the safety or rights of others; involves a willful or conscious decision to engage in risky behavior despite knowing the potential consequences. Reckless behavior disregards the foreseeable risks and consequences, demonstrating a high degree of indifference or disregard for the well-being of others. [In SC, problematically-synonymously with "negligence"]

Wanton - Grossly **negligent** or careless; extremely **reckless**, etc.; virtually synonymous with reckless.

Willful implies intent or purpose, while wanton expresses a reckless disregard of consequences.