

“Facts of Consciousness” in the Criminal Judgment

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Abstract: It is beyond doubt that the obligation of the court to reveal facts applies to all relevant phenomena that are significant from the point of view of criminal judgment. The statements recorded in the personal and historical part of the statement of facts as a result of that can not only be external happenings of a physical nature, but can also be so called internal happenings, which we may call facts of consciousness. But the factual establishment of this content of consciousness must definitely be separated from the other essential field of the judge’s judgmental action, from the legal evaluation of established facts, from the decision about the criminal responsibility, and from the qualification of the feaisance.

The elements that take place in the mind, in the world of thought of the proprietor can be listed on the subjective side of the crime. If a certain form of culpability cannot be established, then the crime itself fails to be realized. The recording of the will, consciousness and thoughts of the proprietor, the establishment of the so called facts of consciousness requires an action of different quality than the shaping of external objective circumstances into a historical statement of facts.

But the distinguished duality and opposition of the question of facts and the question of law in the external reality, as its terms, are simply non-existent.

Key words: criminal procedure, facts, consciousness, criminal judgement

1. Introduction

The notion of culpability according to procedural law and its notion according to substantial law are closely connected to each other, in fact, we consider them the two facets of the same phenomenon. The declaration of culpability of the accused cannot be interpreted without determining the culpability by substantial law, which means the psychic relation between the culprit and their action, on the basis of which we accuse the culprit with the given action.¹ The elements that take place in the mind, in the world of thought of the proprietor can be listed on the subjective side of the crime. If a certain form of culpability cannot be established, then the crime itself fails to be realized. The recording of the will, consciousness and thoughts of the proprietor, the establishment of the so called facts of consciousness requires an action of different quality than the shaping of external objective circumstances into a historical statement of facts. The question immediately arises whether we can talk about facts of consciousness at all, whether this wording is in contrast with the objective establishment of facts or not. Regarding the conclusions that are drawn from the contents of the consciousness of the proprietor, the courts

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¹ Apart from that, certain dogmatic approaches make a strict differentiation between the notion of material and procedural law. See: István László Gál (2007), *Economic Criminal Law for Economists*, Akadémiai Kiadó, Budapest, p. 37.

apply two opposing solutions basically. Traditionally, the conclusions about the contents of consciousness of the proprietor are included in the legal reasons for the judgment, but more and more often, we may come across with decisions in the practice, where the conclusions regarding the consciousness of the proprietor are recorded necessarily in the historical statement of facts.

This is a much deeper issue than just the question of how to structure a judgment, whether the conclusions regarding the consciousness of the proprietor should be part of the historical statement of facts or the legal reasons for the judgment. Such theoretical and practical problems arise as well, like the merits of legal indictment, of the bounds of indictment, of the identity of actions presented in the indictment and the judgment, and of the judgmental statement of facts, the extent of the secondary and tertiary revisions, and the legal scope of the special legal remedies.

2. The Subjective and Objective Approach of the Notion of Crime

The statements made in connection with the facts of consciousness clearly belong to the subjective side of the crime. The *differentia specificas* of the notion of crime in the literature of law change according to how they define the scientific notion. Their common point is that the scientific notion of crime includes more than the so called formal notion of crime, according to which a crime is an action which is punishable by law.

Elements of the material notion of a criminal act may be the danger to society, compliance with the statutory provision, unlawfulness and guiltiness. We can find the various combinations of these characteristics in the different papers of scientific literature. Compliance with the statutory provision and unlawfulness are not specifically part of the legal crime notion, but it does include the danger to society and guiltiness.²

Thus, the analysis of the subjective elements of the criminal act can lead to the approach of endangering society which includes either solely objective or also subjective elements as well. László Viski warns us that by consistently treating the notion of endangering society objectively, criminal law could order neither unsuitable attempt nor preparation to be punished.³

Ferenc Nagy also points it out in connection with the punishability of unsuitable attempt that the different legal solutions all indicate, whether the given criminal law system is oriented in a subjective or in an objective way. Namely, whether, in a consistent manner, the criminal law reaction as it applies connects to the committed action or the intention of the perpetrator. The punishability of the unsuitable attempt reflects the dominance of the subjective, intention-centered approach.⁴

There are several examples, where the act, although it would deserve punishment, does not objectivize any conscious endeavor in itself, what is more, when analyzed in itself, separate from the elements of perpetrator consciousness, it formulates a way of action that is either indifferent or advantageous as far as society is concerned. When one relates to the actions violating or endangering protected legal objects in the notion of endangering society — that includes subjective elements as well.

For example, the Hungarian Criminal Code particularly refers to the contents of consciousness of the

² New Criminal Law 4. §, see also: Imre Wiener A. (1998), “To be punished — Punishability: Statement of responsibility, in: Wiener (Ed.), *To Be Punished — Punishability: Studies on Criminal Law*, KJK, MTA Institute of State and Law, Budapest, p. 166.

³ László Viski (1987), “Theses for the formulation of the notion of crime”, in: compiled: Tibor Horváth, László Szűk, *Selection of Criminal Law Special Literature*, Volume I. Tankönyvkiadó, Budapest, pp. 313–346.

⁴ Ferenc Nagy (2006), “On unsuitable attempt with an outlook to Europe”, in: István Gál, Szabolcs Hornyák (Eds.), *Studies in Honor of the 80th Birthday of Professor József Földvári*, PTEÁJK, Pécs, 2006, pp. 261–273.

possible perpetrator in the legal statement of facts of money laundering with the phrase “if they were aware of the origin of the items at the time of perpetration.” Without this awareness of facts, the criminal act is not realized, regardless of the danger of the act to society.⁵ It is beyond doubt that when the acts can be considered a danger to society purely based on their objective effect, in such cases the notion of danger to society is objectivized to the fullest, and the elements of perpetrator consciousness are clearly only analyzed in the light of guiltiness and accountability. But in those cases — and these undoubtedly form a minority, as when the objective violation or endangering of a legal object is established, the intention or even its volitional component is not at all necessary for the establishment of the danger posed by the act to society — where it is necessary to consider subjective elements, the legislative argument to declare something a criminal act is revealed by the reference to the endangering over violation in the legal definition of the notion of a criminal act.⁶

László Viski, in regard of the relation between the compliance with the statutory provision and unlawfulness, points it out that “in a narrower sense, the statement of facts is the description of the forbidden (punishable) act, or the object (material) of prohibition. Apart from certain extreme branches insisting on overall valuelessness, the standpoints of legal literature are uniform in that the realization of the statement of facts in this sense states nothing about the guiltiness of the perpetrator, about the possibility of accusing them of the action compliant with the statutory provision and this — in case we would like to preserve the sovereign systemic significance of the notion of the statement of facts — is not at all necessary.”⁷ Ferenc Nagy points it out regarding the relation between compliance with statutory provision and the (criminal) unlawfulness, that there are such actions compliant with the statutory provision that are (criminally) unlawful, and others which are not, because of certain circumstances that preclude their (criminal) unlawfulness.⁸

The independence of unlawfulness from guiltiness and accusability is significant both theoretically and from a practical point of view. As the differentiation between an unlawful and a criminal act is absolutely necessary in case of all crimes where accusability regarding the action is not significant in relation to the criminal evaluation, more specifically, where criminal law also reacts to certain unlawful behaviors even in absence of accusability. This is the case when examining the grounds for ordering forced medication, or when sanctioning objective responsibility in administration. It may have significance when an act is committed while in a drunken or dazed state which causes mental disorder and precludes accountability, in which case the judgmental practice specifically demands the not accusable intention to be examined on an objective basis, and the act may qualify as a voluntary or negligent criminal act compared to its objective side.⁹

According to the traditional understanding in the European continental legal literature of the last decades, the legal statement of facts included four main components — the object of the criminal act, the objective elements of statement of facts, the subject of the criminal act and the subjective elements of the statement of facts. Géza Tokaji (after Imre Békés) narrows this down by stating that the legal object is not an element of statement of facts, but its place in the system is inside the conceptual range of unlawfulness.¹⁰

⁵ New Criminal Law 399. §, see also: István László Gál (2013), “Notification or impeachment? Tasks and obligations in connection with the battle against money laundering and terrorism financing based on the new Criminal Law”, Penta Unió Educational Centre, Pécs, pp. 22–24.

⁶ Viski op.cit. p. 322.

⁷ Viski op.cit. p. 327.

⁸ Ferenc Nagy: Thoughts and questions in the topic of unlawfulness. Criminal Law Codification, Issue 2/2008, pp. 3–10.

⁹ The III. Decision of penal principle on the responsibility for crimes committed while being drunk or dazed.

¹⁰ Ferenc Nagy, Géza Tokaji (1993), *The General Part of the Hungarian Criminal Law*, JATE ÁJK, Szeged, p. 34.

The objective elements of the legal statement of facts are the object of perpetration, the behavior of perpetration, the situational elements, the outcome and the causal relation, while the subjective elements of statement of facts are the intention (*dolus directus*, *dolus eventualis*), negligence (*luxuria*, *negligentia*), the motive and the purpose.

The basis of differentiating between the outward forms of guiltiness is the psychic background of behavior. A decision is made after considering what psychic factors take part, and in what way, in the formulation of the behavior. The most important phenomena are the intellect, the sentiment and will. A voluntary criminal act can be legally defined based on the relation of these three psychic phenomena to each other.

In voluntary criminal acts, the subjective side — as part of the subjective elements of statement of facts — must comprehend the elements of the legal statement of facts. There are of course objective criteria independent from the consciousness of the perpetrator, which the consciousness of the perpetrator does not need to comprehend. In case of criminal acts violating or endangering property rights of one or several affrontees for example, the objective factors independent from the consciousness of the perpetrator have a definitive significance concerning the decision whether the objective condition of continuance has been realized or not, or whether it is valid to establish the perpetration of several crimes by the same person or not.¹¹ At the time of conducting the behavior of accomplishment of the action, in the overwhelming majority of criminal acts, the consciousness of the perpetrator does not have to comprehend the person of the affrontee.¹²

When trying to establish the mental state at the time of the perpetration, so for example, when deciding whether the intent of the perpetrator was to commit murder, battery or damage of health, the analysis of the facts that take an outward form and thus are knowable has a great significance. One is able to draw a conclusion regarding the contents of consciousness during perpetration based on the objective and subjective factors. This establishment is closely connected to the revelation of the psychic process preceding the execution of the action, which could be recognized from outward phenomena. So, for example, the existence and degree of a strong emotion is a legal and factual issue which is to be determined not by a mental specialist, but by the court, and is to be judged based on the specific psychic traits of the perpetrator.¹³

As far as the conscious elements of voluntary criminal acts are concerned, the perpetrator, besides knowing the facts on which the elements of the statement of facts are based, must be aware of the danger to society represented by the nature of his or her act. This awareness may be provided by the recognition that the act is unlawful, immoral or meets with reprobation from society. However, it must be noted that the existence of this does not have to be separately recorded in the historical statement of facts.

3. Facts of Consciousness in Connection with Verification

The legal statement of facts is the collection of the legal criteria determining the finished figure of perpetration of a given type of criminal act.¹⁴ As opposed to the legal statement of facts, the concrete or historical statement of facts is the collection of those circumstances of the crime committed, important from the point of view of criminal law, which must be recorded in the reasons adduced as the result of the procedure of verification.

The events of the world can be broken down into components, facts during the process of and for the sake of

¹¹ 45/2007 Supreme Court BK opinion.

¹² BH 2009.169.

¹³ High Court CUD number 3/2013.

¹⁴ Ferenc Nagy (2001), *The General Part of the Hungarian Criminal Law*, Korona Publishing, Budapest, pp. 139–145.

cognition. An event is built up of facts. The object of verification usually means all the factual circumstances, the establishment of which is the prerequisite of a certain action to be taken or a decision to be made during the criminal procedure. According to the approach of Angyal, it is irrelevant whether the factual circumstance is an external fact or an internal state (e.g., intention, purpose, willful misrepresentation etc.).¹⁵

In contrast, many other definitions emphasize the objective nature of the fact. Thus, fact is an objective category, so it exists regardless of the human mind (cognizance) acknowledging it, or being interested in it at all, and it has a material nature, because it is the part of the material world, and thus inexhaustible, as it is a unit formed by intertwining material structures that interfere with each other.¹⁶

Flórián Tremmel also emphasizes the objective nature of facts by stating that their common trait is “their existence independent from our consciousness.” In crimes, those objective incidents which must be uncovered and established are mostly incidents from the past and ontological incidents, as penal consequences may arise exactly depending on their existence or non-existence.¹⁷

Facts can and should be evaluated based on criminal law (facts being relevant from the viewpoint of criminal law) exactly after and as a consequence of their establishment as facts. The object of verification is that complex of facts formulating the events, which represents the act of crime itself. The objective approach of the notion of fact makes the understanding and description of the facts of consciousness in the historical statement of facts difficult from the outset, even if many legal statements of facts specifically emphasize the significance of certain factual consciousness in regard of the realization of the disposition.

4. Facts of Consciousness in the Hungarian Court Practice

4.1 Facts of Consciousness in the Legal Reasons of Judgments

The objective of gathering evidence in the continental legal system is the thorough and complete elucidation of the true facts. In all sections of criminal procedure the obligation of authorities to set up a thorough, proper and adequate to reality statement of facts, and to take into consideration all incriminating and attenuating, increasing and mitigating circumstances, when establishing criminal responsibility.¹⁸

In the previously published decisions, maybe consistently, that principle was predominant, according to which the intention and the content of consciousness were not part of the statement of facts, and this must be kept in mind when making a decision. This was the distinct reason why the Supreme Court of Justice omitted from the historical statement of facts the one statement according to which the accused “decided to frighten the injured with the vehicle of the accused, and to crowd the injured off the road”. According to the Supreme Court, this statement referring to the content of consciousness and intention of the accused, as a legal conclusion drawn from the knowledge about the available and guiding facts, is part of the legal reasons of judgment, rather than of the

¹⁵ Angyal op.cit. p. 318.

¹⁶ Csaba Varga (1989), “The nature of the process of judicial establishment of facts”, *Journal of Legal Studies*, No. 4, p. 193; Endre Bócz (2006), “The adventures of our law of criminal procedure: Triumphs, obstacles and roundabouts”, *Hungarian Official Journal Publisher*, Budapest, pp. 84–85; Endre Bócz (2008), *Criminology at the Courtroom*. Hungarian Journal Book and Paper Publishing, Budapest, pp. 26–27.

¹⁷ Flórián Tremmel (2001), *Hungarian Criminal Procedure*, Dialóg Campus Publishing, Budapest-Pécs, p. 218; Flórián Tremmel (2006), *Flórián Tremmel: Evidence in the Criminal Procedure*, Dialóg Campus Publishing, Budapest-Pécs, p. 73; Csongor Herke, Csaba Fenyvesi, Flórián Tremmel (2012), *The Theory of the Law of Criminal Procedure*, Dialóg Campus Publishing, Budapest-Pécs, p. 135.

¹⁸ Hautzinger Zoltán, Herke Csongor (2006), *The Hungarian Criminal Procedure Law*, University of Pécs Faculty of Law, pp. 1–101.

statement of facts. In another case, similarly to the previous one, the Supreme Court omitted from the statement of facts the statement according to which “the accused left the pub with the intention to murder his wife and her family.” This statement also refers to the content of consciousness of the accused, “but there is no room in the circle of the statement of facts for a direct statement referring to the content of consciousness.”¹⁹ This is the same reason why the Supreme Court of Justice excluded the statement that the accused of the second order would have any knowledge about the principal defendant wanting to murder the injured in order to avoid being exposed, as “conclusions regarding the state of the consciousness of the accused could only be drawn in the scope of the reasons of judgment and not in the statement of facts.”²⁰

In a criminal case initiated by a crime of murder, the Supreme Court, proceeding on secondary level, recorded it as a fault, that the court proceeding on primary level — when hearing the expert of forensic medicine at the court — did not clarify those factual bases to an appropriate extent, based on which a reassuring conclusion could have been drawn about what the consciousness of the accused could comprehend in the specific phases of the incident about the vital status of the injured — that is, whether the injured was alive or dead. From the statement of facts of the judgment, the Supreme Court omitted the statement according to which “the accused knew that after the strangling with a string, the injured did not die when the head got separated.” This statement, on the one hand, is not an establishment of facts: the actual consciousness of the accused is a question of legal conclusions, thus, such a statement cannot be included in the statement of facts, and on the other hand, the validity of this statement — as a legal conclusion — cannot be verified with facts. The Supreme Court also omitted from the statement of facts of the judgment the statement referring to that at the time of strangling the neck of the injured with a clothes-line, the accused knew that the injured did not die. “Albeit this statement — considering the information based on the report of the experts of forensic medicine — is true, but it is in reality a valid legal conclusion drawn from the established facts, and consequently, this valid statement belongs in the scope of the legal reasons of judgment.”²¹

It is a frequent phrase of the legal reasons of judgment, that “while analyzing the content of the consciousness of this accused in the light of the guiding statement of facts”, what kind of intentions can be concluded.²² In compliance with this, the statement of facts of the judgment is valid and well-established only, if, as a result of the verification, “it records the information from which factual and legal (thus, concerning the state of consciousness) conclusions” can be drawn.²³ So, these decisions clearly place the drawing of the conclusion regarding the actual state of the consciousness of the accused in the scope of the legal conclusions.

4.2 Facts of Consciousness in the Historical Statement of Facts of the Judgment

As opposed to what has previously been discussed, the Supreme Court pointed it out in many cases that the judgmental statement concerning the content of the consciousness of the accused is not necessarily just a question of law, but in a given case it might be a part of the statement of facts. According to the proposal for revision presented by the Chief Prosecutor’s Office, the statement of facts alluded groundlessly to that the accused would have been aware of the fact that s/he was contributing to the formulation of false registry court orders and false registry court entries at the time of drafting the contracts. As the content of the consciousness of the perpetrator is

¹⁹ Hungarian Supreme Court decision number: BH 1992.745, BH1998.473.

²⁰ Hungarian Supreme Court Bf.III.850/2001/4.

²¹ Hungarian Supreme Court decision number: BH 1999.495.II.

²² Budapest-Capital Regional Court 3Bf.157/2012/29.

²³ Supreme Court Bhar.III.616/2010/24.

the result of a legal conclusion rather than of a factual one, and thus, as a legal conclusion drawn about the guiltiness of the accused, falls out of the scope of the statement of facts. As opposed to that, the Supreme Court referred to point II of decision published under BH 1994.171, which recorded that a statement referring to man's state of and content of consciousness — from the point of view of the crime of defamation, and the insulting of authorities and officials — falls under the scope of the notion of statement of facts. But the reasons for the judgment that is the basis of this decision leave no doubt about that these so called facts of consciousness cannot only be connected to defamation (slander, irreverence). We must consider the human action, behavior, a certain real event and happenings as facts. The latter notion, the happening includes in its scope the state of the consciousness of man, and any physiological processes in the consciousness. Thus, any statement referring to the state of and content of man's consciousness is a statement of facts. So, the so called facts of consciousness do exist, the establishment of which may be the result of a conclusion based on and yielding facts (thus being so called factual). When the primary court recorded in its judgment that the accused had been aware of the false content of the partnership contracts when drafting them, and of the fact that this way s/he is contributing to the formulation of false registry court orders and false registry court entries, it established statements of facts, which can be considered as guidelines even in a process of revision.²⁴

In a criminal case of forging the unique identification number, the primary court considered it particularly essential to record in the statement of facts whether the accused had been aware of the registration number of the vehicle being different from the one listed in the traffic permit or not, of the plate of the vehicle being changed by someone else or not, after driving in public traffic this way. With this not recorded, the statement of facts is not suitable for drawing relevant legal conclusions.²⁵ Revocation has been ordered because the fundamental defect of the judgment including a shortened reason was that one could not decide from such a judgment whether the unique identification number has been eliminated, or swapped with or without the accused being aware of it. “According to the consistent judgmental practice, the obligation of the court to reveal facts applies to all relevant circumstances that are significant from the point of view of criminal judgment. As a result of that, the statements recorded in the personal and historical part of the statement of facts can not only be external happenings of a physical nature, but can also be so called internal happenings, facts of consciousness. For the sake of being able to take up a position in the question of criminal responsibility, the revelation of these circumstances and their establishment as facts are indispensable.”²⁶

5. Conclusion

We could see that as far as the recording of the facts of consciousness is concerned, we can come across decisions of opposing nature, which stand on different dogmatic ground, nevertheless, it would be very important to have a unified way of judgment with a consistent scientific basis which took into consideration practical aspects as well — without this, legal insecurity may arise during the evaluation of regular or special legal redress as well, whereas providing calculable litigation is a fundamental constitutional obligation of the state.

²⁴ Supreme Court Bfv.II.19/2007/5 It must be noted that those factual statements, which the court established via the evaluation of evidence or the factual deductions, but did not record in the part of the judgment about statement of facts, must be considered as part of the statement of facts during the procedure of revision (and also in the secondary and tertiary procedure). The mistake in the formulation of the judgment does not influence the “factual” nature of such a statement. (BH2009.5)

²⁵ Supreme Court Bfv.II.225/2011/5.

²⁶ Supreme Court Bfv.II.225/2011/5.

The differentiability of the question of facts and the question of law can only exist from a procedural law approach, which also establishes a question of judgment formulation. Csaba Varga states, that their separation can only be expressed via the connections of a given procedure. But the distinguished duality and opposition of the question of facts and the question of law in the external reality, as its terms, are simply non-existent. Such a separation can only be interpreted as an institutional question, in light of a system of norms that establishes a given procedural system.²⁷

It is beyond doubt that the obligation of the court to reveal facts applies to all relevant phenomena that are significant from the point of view of criminal judgment. The statements recorded in the personal and historical part of the statement of facts as a result of that can not only be external happenings of a physical nature, but can also be so called internal happenings, which we may call facts of consciousness. But the factual establishment of this content of consciousness must definitely be separated from the other essential field of the judge’s judgmental action, from the legal evaluation of established facts, from the decision about the criminal responsibility, and from the qualification of the feausance.

The recording of the facts of consciousness can happen in a similar way to the establishment of the external objective circumstances. It entails the comparison of the means of verification that bear the evidences of different content, the analysis of the legality of their acquisition, the estimation of their coverage of reality and their verifying power according to the rules of logic, and as a result of this, the establishment of facts. For the establishment of the content of consciousness, direct information may be provided by personal evidence, such as the confessions of the accused, but conclusions can be drawn from other objective circumstances via deduction, which conclusions must be mentioned necessarily in the reasons of judgment, in its part where evidence is evaluated.

In relation to this, the legal evaluation is the comparison of the facts of consciousness and the physical facts already accepted as truth with the legal norm, their collation with the text of the law, which analysis must be done in the legal reasons of the judgment.

It is a requirement for the sake of exact definability that the statements of judges about facts should not be — in relation to either the physical facts or the facts of consciousness — legal notions, or legal categories featured in general or singular law or interpreted by legal science and legal practice (intention, negligence, particular cruelty, intent-asserting presence etc.), but concrete facts and actions.

The establishment of facts, as done by the primary court conducting the verification procedure based on the principle of immediacy, can only be remedied in a narrow scope during the secondary procedure, regardless of those being external objective circumstances or so called facts of consciousness. But as far as the legal evaluation of the established facts is concerned, such a constraint cannot exist. The conclusions regarding the content of the consciousness of the accused — which appear in the form of legal notions — belong in the scope of legal evaluation, as they are not establishments of facts; they may be modified during the secondary procedure without the constraints formulated for the sake of eliminating groundlessness.²⁸

Thus, conclusions about the guiltiness of the perpetrator and about its form may be drawn solely in the form of legal deductions. It is not possible to avoid the secondary or tertiary revision or the re-examination of the legal reasons in the re-examination procedure by including the legal deductions — drawn from the content of the

²⁷ Csaba Varga (2003), *The Nature of the Process of Judicial Establishment of Facts*, Akadémiai Kiadó, Budapest, pp. 99–101.

²⁸ Hungarian Supreme Court decision number: BH2005.167.

consciousness of the accused directly founding legal qualification — in the statement of facts.

In my opinion, a content of consciousness that refers to only the intent must necessarily be part of the legal reasons. In the reasons for judgment, the historical statement of facts is integral with the legal reasons, but the historical statement of facts should be suitable in itself for drawing only one kind of legal conclusion from it, even if the court formulates its judgment with an abridged reasoning. The historical statement of facts established as a result of weighing the evidence must fit into the statement of facts of both the general and the singular part, even without the legal reasons. For example, one cannot draw the appropriate conclusion about a mistake as a reason for excluding punishability, without recording the facts of consciousness, as the external objective circumstances are the same. For example, the perpetrator “took the bicycle because s/he thought it was his/hers.” But this fact of consciousness is closely connected to the conclusion to be drawn about the intent, so the limitation is quite complicated. But when not recording this fact of consciousness, the court does not perform its duty to establish the statement of facts, as it established such a statement of facts, from which — besides the exclusion of the parts related to reasons — conclusions offering many versions of guiltiness can be drawn.