

CRIMES AGAINST THE PERSON

Crimes against the person include homicide, assault, battery, and rape. All of these crimes are serious offenses. A defendant found guilty of one of them may receive a harsh sentence. However, the law also protects the defendant by defining various levels of these crimes and by considering the circumstances of each offense.

HOMICIDE

The killing of one human being by another is the most serious of all acts. Homicides may be either noncriminal or criminal.

Noncriminal homicide is a killing that is justifiable or excusable and for which the killer is deemed faultless.

What might be some examples?

Criminal homicide is a killing that is done with malice or the intent to kill or seriously harm someone. At one point, there were distinctions in the charge of murder. Now most states have statutes that establish varying degrees of murder. *(These distinctions vary from state to state)*

What might be some of the factors that help to distinguish the varying degrees of murder?

First-degree murder is generally

Second-degree murder is generally

Third-degree murder is generally

Voluntary Manslaughter is generally

Involuntary Manslaughter is generally

Negligent homicide is the causing of death through criminal negligence.

Negligence is the failure to exercise a reasonable or ordinary amount of care in a situation that causes harm to someone. [In some states gross negligence is classified as involuntary manslaughter]

PROBLEM

Walt decides to shoot Yolanda, whom he blames for all his troubles. As he is driving to her home to carry out the murder, Walt hits a jogger who darts out from behind a tree. Stopping immediately, he rushes to help the jogger, who is already dead. Walt is upset until he discovers that the dead jogger is Yolanda. Assuming Walt was driving at a safe speed and the collision was unavoidable, is he guilty of murder?

PROBLEM

Belva is cheated when she buys a car from Fast Eddie's Car Mart. She attempts to return the car, but Eddie just laughs and tells her to go away. Every time Belva has to make a repair on the car, she gets angry. Finally, she decides to wreck Eddie's car to get even. Following Eddie home from work one evening, Belva tries to ram his car, hoping to bend the axle or frame. Instead of bending the frame, the collision smashes Eddie's gas tank, causes an explosion, and kills Eddie.

- a. Is Belva guilty of any degree of homicide? If so, which degree and for what reason?
- b. What was Belva's motive in acting as she did? Should the motive be considered at any stage in the criminal justice process? Why or why not?

SUICIDE, EUTHANASIA AND THE RIGHT TO DIE

Suicide, the deliberate taking of one's life was once considered a crime. Most states today still prohibit the attempt to commit suicide [obviously, an actual suicide would not be possible to prosecute].

What factors would motivate states to enact statutes prohibiting suicide?

Should it be a crime to commit suicide?

Euthanasia in common terms is called mercy killing. It is the act of putting someone to death painlessly. It is done for those who are suffering with an incurable or terminable illness. It is illegal and those who have done it have been prosecuted, even though it is usually done at the request of the person who is suffering.

PROBLEM

Wilfred, age 75, has been suffering from cancer for 10 years, and the pain has become worse and worse. The doctors say there is no treatment to either slow down the cancer's growth or substantially reduce the pain. Wilfred asks his wife, Martha, to relieve him of the terrible pain by bringing him a bottle of pills that would help him end his life. Martha, who cannot stand watching Wilfred suffer anymore, gives him the pills. He swallows them all and dies.

- a. If you were the district attorney in the state where Martha lives, would you file charges of murder or manslaughter?
- b. If manslaughter charges were filed and you were on the jury, would you vote to convict Martha? Why or why not?
- c. If Martha were convicted, what sentence should she receive? Why?
- d. If the bottle of pills had been given to Wilfred by a physician, instead of by his wife, would your answers have been different? Explain.