

## 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 or Felony 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?