

Unit2crim discuss

Law



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IMPERFECT SELF DEFENSE Imperfect self defense is not accepted in all jurisdictions. When used successfully in criminal cases, it eliminates the elements of malice. Such a defense, based on imperfect self-defense, does not shield the defendant from all liabilities but reduces the liability.

In this case where the anti-abortion activist, Scott Roeder is accused of shooting the abortion doctor George Tiller, the trial judge considered the mitigating factor of imperfect self defense. If I was the trial judge of this case, I would have passed the same verdict because this is not a case of whodunit; it is a case of why he did it. Scott Roeder does not deny killing George tiller, but the key to the case is to understand what was going on in Scott Roeder's mind at the time of the killing. As the trial judge, this case depends on whether Scott Roeder's idea in the use of deadly force was sensible. It is evident that he acted in an imperfect defense of the unborn children since he believed that the " preborn children" were in looming danger of being killed. This verdict by the trial judge indicates that the anti-abortion activist believed that the direct use of deadly force was essential in protecting against danger.

In the recent decades, several states have expanded the debate to incorporate issues of unborn children killed by violent acts alongside expectant women. In some states, legislation increases criminal penalties for crimes that involve expectant women. Other legislation in other states has defined the unborn child as a person under feticide laws or fetal homicide (Steinbock 129). These laws create awareness on the mischief done to an expectant woman and the consequent pregnancy lost, but not on the unborn child's rights. Therefore, if this case happened in a state that did not have a fetal homicide statute, I believe that the trial judge will do the same thing, by <https://assignbuster.com/unit2crim-discuss/>

considering the mitigating factor of imperfect self defense. This is because they emphasize that fetal homicide laws impartially criminalize these cases and that they provide a chance to save from harm the fetuses and their mothers. These laws grant a fetus legal status different from the expectant woman, perhaps creating an adversarial bond between a woman and her unborn child (Steinbock 130).

CONCLUSION

Several individuals and pro-life groups support these laws. They believe that human personhood starts at conception. Consequently, when an expectant mother is killed, the perpetrators are seen as having committing two murder acts. These are the killing of the pregnant woman and the fetus. They feel that both the expectant woman and the fetus have the same human rights, and they consider such attack as double homicides.

Work cited

Steinbock, Bonnie, *Life before Birth: Moral and Legal Status of Fetuses and Embryos*. Oxford: Oxford University Press, 2011. Print.