

# Criminal law cases

Law



**ASSIGN  
BUSTER**

Criminal Law A). Criminally negligent homicide is whereby a " person is liable for the death of another person in a criminal negligence"(Pearson Education Inc., 2012, p. 129). This occurs when the offender ought to have understood the dangers of his conducts but failed to be observant of that risk. The court's decision was right because the offender's conduct did not pass the " Royster-Aquilar" test. Though the evidence of the offence was included in the charges against presented to the court against the offender, the evidence in the case pointed that the offender was not guilty of " the lesser included offense" only as required by the test. The offender was aware of the impact of his conducts on the victim and he voluntarily loaded the gun to cause harm to the victim of which he succeeded in committing.

B). Use of manslaughter as a lesser included offense to murder is possible in the circumstance where " the offender causes the death of another person involuntarily" (Pearson Education Inc., 2012, p. 123). There should be evidence that the offender's reckless conducts were responsible for the death of the victim. The risks involved in the situation whereby the offender acted recklessly must pose right of such magnitude that an ordinary person should have acted with care to avoid causing harm to other persons.

C). The element of self-defense if a countermeasure taken by a person to prevent harm on the body, property or a third party (Pearson Education Inc., 2012). Self-defense usually results to harm on would be offender. A person claiming to have acted in self-defense could not have acted accidentally or recklessly because the appellant knew the danger that would have been caused by the conducts of another person and has to take measure voluntarily to avoid or minimize the consequences of the risks. For example, the defendant in this case took out a gun and loaded it with intent to drive <https://assignbuster.com/criminal-law-cases/>

away the victim. His conduct was intentional and he acted consciously. In self-defense, a person acts voluntarily; consciously and cautiously thus it cannot be accidental or reckless.

D). In the case of Johnson v. Texas, the appellant shot dead his accomplice Lean Freeman after an argument in which the offender was demanding his illegitimate money. The trial court had sentenced the offender to seventy-seven years for a crime of murder, but in his appeal the defendant pointed out three mistakes committed by the trial court. He requested the appellate court to reverse the ruling of the trial court against overruling defendant's request for lesser included offense charges, ineffective assistance of counsel and prosecutorial misconducts. The appellant requested the lesser included charge on involuntary manslaughter and criminally negligent homicide by adding that his acts were in self-defense. The appellate court examined the issues under Royster test and decided that the appellant acted voluntarily and consciously with intent to cause harm to the victim.

The appellate claim of self-defense was irresponsible because he took time to load the gun and shoot the victim. The claim that defendant acted in self-defense cannot be substantiated because there was no evidence of any assault caused by the victim or any confirmation that he carried a gun with him (Pearson Education Inc., 2012). Furthermore, involuntary manslaughter would require a person to act involuntarily and recklessly. However, the appellant was not reckless considering the time he took to load the gun and point it at the victim after they had an argument. His actions were planned carefully after the argument.

#### References

<https://assignbuster.com/criminal-law-cases/>

Pearson Education Inc. (2012). Principles Of Criminal Law (7th Ed.). USA:  
Prentice Hall: 116-141.