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A. People v. Watson

B. 30 Cal. 3d 290, 637 P. 2d 279, 179 Cal. Rptr. 43 (1981).

C. Decision & Year Decided

In the year 1981, the California Supreme Court rendered a verdict convicting the defendant of secondary murder on the conduct of causing a fatal accident as a result of reckless driving. The court found rationality in concluding that the defendant's behavior was deliberate and unprovoked, and he consciously disregarded human life. However, it can be argued that the court failed to define exactly when the conduct of an intoxicated driver can be regarded as an implied malevolence. The court also fails to make certain that the defendant's demeanor posed a highly fatal threat. The court's evaluation of the defendant's mental state by using his intoxicated behavior can also be criticized. Following is a summary of the facts of the People v. Watson case.

D. The Facts

On January 3, 1979, the defendant Robert Watson visited a bar on a Redding street in California, where he consumed copious of beer, and drove off afterwards. Watson then crossed a red light almost an hour and a half after he had left the bar, and in the middle of the intersection he skidded to a stop after barely escaping an accident. Watson again drove off at high speed, and while nearing another intersection at high speed, he collided with a Toyota sedan even though he had tried to apply the brakes. The collision resulted in the death of the driver and his 6-year old daughter, while three other passengers were thrown out of the car.

35 miles per hour was the speed limit at the scene of the accident. According

to expert testimony, Watson had been traveling at about 70 miles per hour when his car collided with the sedan, while according to an eye-witness testimony Watson's car had sped away at between 55 and 60 miles per hour. An hour and a half after the accident, Watson blood alcohol level was 0.23 percent.

The defendant was charged with two counts of both vehicular manslaughter and second degree murder. At the preliminary hearing, the magistrate came to the conclusion that the enough facts to support a finding of implied malevolence had not be found during the preliminary examination, and thus, the murder counts were dismissed. The defendant was charged with two counts of murder by the state of California. However, upon defendant's appeal, the trial court dismissed the counts of murder he was charged with. However, The California Supreme Court reversed the dismissal upon the state's appeal, and this is how the People v. Watson case reached the Supreme Court.

Watson's argument that vehicular homicide was categorized and punishable as manslaughter by the legislature and therefore, could not be charged of second degree murder was initially dismissed and refused by the majority. According to the majority, the statutes of both crimes had separate requirements for conviction, and therefore, Watson could be charged of second degree murder as well. Watson also asserted that it was the legislature's intention that the statute of one crime should not be applied to the statute of the other, but this was dismissed by the majority as well. After reviewing the legislative history of the statute of vehicular manslaughter, the majority support its argument by emphasizing on the difference between the

requirements for conviction of the two statutes. The facts of the case were also reviewed to determine if a reasonable jury would convict the defendant of second degree murder. According to the court, because the defendant was drunk, he drove to the bar and would have been aware that he would have to drive while intoxicated and how dangerous that could be, he continued driving at high speed even after narrowly escaping an accident, and tried to hit the brakes before the fatal accident, so he could be charged with second degree murder. The majority did not express any opinion as to whether the facts provided by the court decisively prove implied malevolence enough to convict Watson of second degree murder. Finally, the majority disregarded the intoxication may have diminished the defendant's mental capacity, and that the defendant may have been incapable of possessing the intent necessary for second degree murder.

F. Dissenting Opinions

The chief justice, in a dissenting opinion, the majority's statement regarding the undisputed nature of the facts provided by the court, and disregarding all factual doubts in the favor of the defendant. It was argued that implied malevolence could not be deduced because speeding between 55 and 60 miles per hour early in the morning through a green light is not an act that will likely cause death. The chief justice did not agree with the facts characterized by the majority. It was argued that it is not necessary that injury or death is likely to occur after an episode of driving while intoxicated; that the conclusion that by driving while intoxicated, the defendant intentionally neglected the risk of killing someone was not justified simply because he drove to the bar; that the defendant may not have known of the

dangerous of driving while intoxicated; and that the fact that the defendant tried to hit the brakes showed that he tried to avoid killing anyone. It was noted that if it was presumed that the defendant must have been aware of the things that the majority claimed he was aware of, then defendants in every case of vehicular manslaughter would be prosecuted for second degree murder. A dissenting opinion was also filed by the Pro Tem Justice as well. It was further argued that there is no real distinction between the requirements for conviction of the statutes of second degree murder and vehicular manslaughter, and that this distinction could not be used as a guideline to prosecute the defendant of second degree murder. It was maintained it should be left up to the legislature to decide whether such drastic change needs to be made in the law. Finally, legislative history of the vehicular manslaughter statute was read out loud based upon which a defendant could not be charged with second degree murder if the defendant never intended to cause serious injury or death.

G. Issues

The majority correctly concluded that according to the current law, a defendant in a vehicular manslaughter case can be convicted of second degree murder. However, the opinion suffers from certain serious issues. Since the court failed to clearly identify the precise conduct essential to support a finding of implied malevolence, could lead to discriminatory or unwarranted second degree murder charges in the future. Additionally, the court did not address the lack of proof regarding the mental state of the defendant while considering his intoxicated conduct. Finally, the court did not further any known goals of the criminal justice system by permitting to

charge certain defendants with second degree murder.

I. Uncertain Standard: The court supported implied malevolence by provided certain facts. The facts that the defendant was legally intoxicated and was driving recklessly were relevant to the requirement of a physical act.

Moreover, these two facts and the rest of the facts also clarified the mental state of the defendant. The majority failed to state that based upon which of these facts was lead to the finding of implied malevolence.

II. Intoxicated Conduct: Considering the fact that the defendant was extremely intoxicated, it was indefensible of the court to use his initial narrow escape from an accident, and the fact that he resumed high speed right before the fatal accident. An intoxicated person cannot be expected to recognize the danger he/she may have just avoided, after avoiding an accident.

III. The Physical Act Requirement: It is not necessary that a driver who is intoxicated will cause an automobile fatality.

IV. The Mental Act Requirement: It is not necessary that a driver who is intoxicated will cause an automobile fatality.

V. The Second Degree Murder and Vehicular Manslaughter Rule: Perhaps the biggest issue was that the court was not able to determine whether the second degree murder rule was applicable to this case of vehicular manslaughter. According to the rule, any death caused by a defendant is second degree murder if the defendant is intrinsically dangerous to human life. Moreover, the legislature has already established that any deaths that occur because of driving under the influence of alcohol are punishable as vehicular manslaughter.

VI. Goals of the Criminal Law: Specific and general deterrence, restraint, rehabilitation, education, and retribution are some of the goals of criminal law, none of which are fulfilled by charging, convicting, and prosecuting an intoxicated driver with second degree murder.

H. Principle of the Case

The principle of the People v. Watson case was that the defendant had killed, regardless of whether or not he had taken part in an independent felony at the time, and was therefore, guilty of murder with malevolent afterthought. Additional evidence of malevolence may be provided by an independent felony, but it is not an essential condition, a proof to find implied malevolence for supporting murder charge. Thus, the court determined the facts that have been used to charge a defendant with vehicular manslaughter may also be used to charge the same defendant with second degree murder as well. The court justified charging the defendant with second degree murder, the greater offense, based on probable cause after analyzing facts that according to the court allude to implied malevolence.

I. Conclusion (Personal Opinion)

The majority People v. Watson case was logically correct in its stance that the intoxicated defendant's behavior had reached the level of implied malevolence, and therefore, he should be charged with second degree murder. However, the court failed to identify exactly when the behavior of an intoxicated driver is at the level of implied malevolence. This way, other courts would have no guidance, and the law could be applied discriminative, and there would be no way of ensuring that a defendant's behavior actually posed a fatal risk. The court was also misguided in emphasizing on the

mental capacity of the intoxicated defendant there was no way of reaching a reliable conclusion from this evidence.

However, the issues mentioned in this case brief could be approached in a certain way that led to the conclusion of implied malevolence. This would firstly involve emphasizing on the level of intoxication and the extent of reckless of the defendant for the physical act requirement. Moreover, this would also involve emphasizing on the mental state of a defendant based on how aware they are of their tendency to drink copiously, to drive recklessly, and to drive recklessly while intoxicated. Based on the law of implied malevolence that has been followed before this case, this approach is more consistent. However, since preserving the right of a defendant to a fair trial would also be necessary, this could be accomplished through sentence enhancements. This way, the likelihood of the discriminative application of the law, and better further of the goals of the criminal justice system would be ensured. Nonetheless, the court made the relevant decision by holding that the defendant was guilty of second degree murder for causing an automobile fatality where evidence of implied malevolence was found.

References

People v. Watson, 30 cal. 3d 290. (n. d.). Retrieved from <http://scocal.stanford.edu/opinion/people-v-watson-23270>