

The case of the shot burglar essay



**ASSIGN
BUSTER**

The Case of the Burglar: Hearing a noise at the back of his one afternoon, Ed picks up his loaded automatic pistol from a drawer in his desk and goes to investigate, He surprises an 18-year-old male in the act of going through his dresser drawers. The man has no weapon in his hands or in view. As Ed asks what he is doing there, the man runs for the back door. Ed points the gun at his retreating back, fires three shots, and kills him. Is Ed morally justified in killing the man? This particular case is a difficult one. It is important to uncover the exact events that occurred that afternoon and known where this crime took place.

Not every state has the same laws and regulations. There is a legal doctrine that many states have incorporated called the “ Castle Doctrine”. This doctrine mainly states that “ if an intruder comes into your house and it’s your opinion they are there for a criminal purpose ... and you feel threatened, you are allowed to use force, including up to deadly force” (Toledo Blade, 2012, para. 6). Under the law, you are entitled to defend what is yours, without having the duty to retreat before applying the use of force as a means of self-defense, defense of another or defense of property (Petryszyn, 2012, para. 8).

According to the FBI statistics, police reported 278 justifiable homicides in 2010, of which 232 were committed with a firearm and the rest with a knife or other weapon. Generally, it is legal to have a firearm in your house, even if you do not possess a concealed carry permit (Petryszyn, 2012, para. 19-21). Justifiable homicide is the only degree of homicide that is not considered a crime since it is committed with no criminal intent (Davenport, 2012). In other words, this type of homicide occurs under circumstances of necessity

or duty. Homicide examples that are justifiable are deaths that occur by self-defense or police shooting.

In order to answer this post, I put myself in Ed's position. I even consulted this case scenario with my husband, who is also a Master's student at National but with the Criminal Justice Department. Although this is a fictional case and not much information is provided, it would be important to know who else was in the house the day of the events and the exact details of how everything occurred. I am currently 7 months pregnant and if we were in our house and suddenly hear a loud commotion in one section of the house; my husband states that he would have done the same thing.

We do not know if Ed was married nor had little children in the house. In addition, you do not know who this unknown burglar is or if he could have had intentions of returning anytime soon. I understand that killing is a serious action and that you have to live with it the rest of your life. Many religions do not condone the act of killing another human being, no matter what the circumstances are because it is morally wrong (Thiroux ; Krasemann, 2012, p. 179). In addition, no matter what the circumstances could have been, a shooting will always launch a criminal investigation.

Sometimes these investigations can take many months before the prosecutors decide whether to charge the case. In certain situations, you do not have another choice but to defend your family and your home. I also understand that the intruder was probably naive, committing his first break in, and not armed. Even though, he knew that he was going to commit a crime the moment he planned and carried out the break in. On the other

hand, Ed was probably sharing time with his family and was caught by surprise.

He did not wake up that day knowing that he would be the victim of a break in and have time to prepare another form of defense. Once confronted with the intruder, your mind has very little time to clearly analyze the situation. You think of your family, yourself and your property. Ed did not know if the intruder would be capable of returning later that night to finish what he had started. He was adequately provoked and acted under the heat of passion. As a result of the provocation, Ed acted blindly without having much time to think things over.

I consider Ed did what he had to do. What I do not condone is the amount of times he shot the intruder. One thing is to defend your own and yourself and another to use excessive force. It is important to take into consideration all of the circumstances in order to determine whether the amount of force was lawful. I consider he used too much. Under the law, the amount of force must be considered reasonable (Hefley, 2012, para. 8). Let's say for example, an 8 year old child breaks into your house to steal candy from a jar.

Obviously, shooting the child would not be justified. There are other alternatives as to how to manage the situation. But an adult is totally different. You do not know if he is armed, such as in Ed's case. Many times you will never know if the intruder has a weapon that can be used against you. It is either you or him. Since you are legally permitted to be where you are at, you are justified to defend yourself against those who enter your home illegally. As a conclusion, I consider Ed to be morally justified.