

Different categories of murder

Law



Different Categories of Murder Different Categories of Murder First degree murder, second degree murder and third degree murder have different definitions in different states. The law of United States describes first degree murder as an "unlawful killing that is both willful and premeditated, meaning that it was committed after planning or "lying in wait" for the victim." (LaFave, 2000) Some papers also point out of a concept called "felony murder rule" in lieu of first degree murder. This means a person is guilty of first degree murder if death results due to some felonies such as kidnapping, rape, robbery, burglary etc. One may be charged of first degree murder even if he is committing a different crime of domination. For instance a sexual assault, taking hostages or inflicting forcible confinement-in each of these aforementioned cases the intention is domination and the ulterior motives are different but if death occurs during the course of these crimes, then the murderer will be charged of first degree murder. On the other hand, second degree murder is not pre-planned and strategized. It is defined as an intentional murder but without prior planning. It lacks the passion and drive of a first degree murder. The killer has no regard for human life and deliberately indulges in the act. . Any murder that is not a first degree murder is called a second degree murder. According to 3 Smith's Laws, 186 and Pennsylvania, act of 1794, "all murder which shall be perpetrated by means of poison, or by lying in wait, or by any other kind of willful, deliberate, and premeditated killing, or which shall be committed in the perpetration or attempt to perpetrate, any arson, rape, robbery, or burglary, shall be deemed murder of the first degree; and all other kinds of murder shall be deemed murder of the second degree" (Lafave, 2000) Even though second murder is never planned, it is "intended". For instance John arrives

<https://assignbuster.com/different-categories-of-murder/>

home one day only to find his wife in bed with another guy. A couple of days later, John waits for the guy to return in his garage and as soon as he walks out of his car, John stabs him and kills him. This was intentional and preplanned so it will be regarded by law as a first degree murder. On the other hand, consider this situation: John comes home to find his wife sleeping with another guy. He spots him at a deserted place a couple of days later, pulls out his gun and tries to kill him. However in the process another passerby gets killed. This kind of murder falls under the cadre of second degree murder. The intention of killing is there but the passion is different and the murder has not been planned before. Infact many people regard second degree murder as a middle ground between first degree murder and third degree murder. Third degree murder, in simple words is murder that takes place due to someone's reckless behavior. The definition of third degree murder varies from one state to the other. The suspect does not intend to kill nor are the circumstances weaved deliberately. In states which follow third degree laws, it is defined as a murder in which the suspect has no intention of killing the victim but he intends to harm him. However he ends up disregarding the victim's life. (Lawyershop) Manslaughter is defined by law as a legal word for killing but there are no malicious fore-thoughts involved. This means that the intention of killing is just not there. According to Common Law it is " The unlawful killing of a human being without any deliberation, which may be involuntary, in the commission of a lawful act without due caution and circumspection" .(Fox, 1998) (Common Law)While manslaughter is not as grave a crime as as murder it cannot be justified. Involuntary manslaughter is a type of manslaughter and it is a result of extreme recklessness and criminal negligence-for instance driving drunk and <https://assignbuster.com/different-categories-of-murder/>

smashing the car into a pedestrian. The difference between involuntary manslaughter and voluntary manslaughter is that in the latter, the victim's death is intended. Justifiable homicide on the other hand is the murder of someone which is devoid of malicious intentions. A justifiable homicide does not charge the murder as guilty of criminal offense. For instance self-defense, or killing someone while defending other or preventing a grave crime. Capital punishment and killings done while in line of duty also fall under the radar of justifiable homicide. (Hobson, 1996) References: Common Law. (n. d.). Retrieved Oct 6, 2011, from Legal-Dictionary: <http://legal-dictionary.thefreedictionary.com/Common+Law> Lawyershop. (n. d.). Retrieved 10 5, 2011, from How First Degree Murder, Second Degree Murder, And Manslaughter Are Defined: <http://info.lawyershop.ca/criminal/index.php/archives/2008/11/11/how-first-degree-murder-second-degree-murder-and-manslaughter-are-defined/> Fox, James Alan, and Jack Levin. 1998. "Multiple Homicide: Patterns of Serial and Mass Murder." Crime and Justice.. Hobson, Charles L. 1996. "Reforming California's Homicide Law." Pepperdine Law Review 23. LaFave, Wayne R. 2000. Criminal Law 3d ed. St. Paul, Minn.: West Group.