

Degrees of homicide

Law



**ASSIGN
BUSTER**

One example taken is: A dad's son was kidnapped and murdered. The kidnapper was caught and confessed. The dad saw the kidnapper the next day in an interview and in a sudden rage, the dad grabbed a revolver from a nearby officer and killed the kidnapper ("Manslaughter"). Another example is when Dan comes home to find his wife in bed with Victor. In the heat of the moment, Dan picks up a golf club from next to the bed and strikes Victor in the head, killing him instantly ("Manslaughter: Voluntary").

Comprising elements such as (1) the killing of another human being was unintentional; (2) the death occurred either during the commission of an unlawful act not amounting to a felony or as the result of criminal negligence; and (3) the defendant's unlawful act or negligence caused the death (Wallace 8). For instance: two kids were street-racing, one lost control and hit a crowd of spectators. Two of the spectators were killed. The one who lost control was charged with involuntary manslaughter ("Manslaughter"). Another picture is when a driver is running a red light and then crashing into another car, which kills the other driver ("When").

The negligence of the defendant including elements that (1) the killing of another human being was unintentional; (2) the death resulted from a negligent act by the defendant; and (3) the defendant's negligence caused the death (Wallace 8). A case of negligent manslaughter is: D, an anesthetist, failed to observe during an eye operation that the tube inserted in V's mouth had become detached from the ventilator, causing V to suffer a cardiac arrest and eventually die ("Cases"). A different circumstance is when D pointed a gun at V, without previously examining whether it was

<https://assignbuster.com/degrees-of-homicide/>

loaded or not and the weapon accidentally went off and killing him (“Cases”).

The felony-murder rule is a category of statutory law that classifies a killing, whether unintentional or not, during the commission of a crime as murder (Wallace 8). The felony-murder supposedly cannot be applied to involuntary and negligent manslaughter as there is no intent to kill the person. It is like there is no given distinction between felony and murder except its name. There is thus a vague distinction between felony and murder itself when this rule is applied in all cases of these manslaughters.