

Homicide and criminal justice

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In the American criminal justice system, homicide is allegedly the worst form of offensive acts that courts handle (Gilbert, 2004). Although most people confuse it with murder, homicide is a broader term that includes criminal and non-criminal killing of human beings (Gilbert, 2004). This paper discusses homicide in relation to the US criminal justice system. The paper analyses different forms of homicide and the circumstances under which a suspect can be declared guilty for death of another person.

There are two forms of homicide that do not amount to criminal acts – excusable and justifiable homicides (Fox & Jack, 2001). As noted by Fox and Jack (2001), homicide is considered excusable if death results from a mistake that cannot be described as sufficient to declare someone guilty. An example of excusable homicide is a road accident that leads to death but does not result from driver's serious negligence. Justifiable homicide is acceptable killing of a person (Fox & Jack, 2001). For example, a person can kill another person in self-defence or soldiers can shoot and kill members of enemy camps without committing criminal offences. Acceptable killing is also called non-felonious homicide (Fox & Jack, 2001).

On the other hand, felonious homicides – also known as criminal homicides – comprise of two broad forms of illegal killing (Fox & Jack, 2001). In this regard, as pointed out by Fox and Jack, felonious homicide that is not premeditated is called manslaughter in most US states. The worst form of homicide called murder is a criminal act in which a person's meditation to kill leads to actual killing of another person (Fox & Jack, 2001). In some states, criminal homicide is classified in terms of degrees depending on circumstances under which killing takes place.

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A person can bear murder related responsibilities in two ways (Arafa, 2008). First, an individual can only bear criminal liability for murder if he or she intended to kill and actually killed another person. However, according to Arafa (2008), sometimes people can bear criminal responsibilities for crimes they did not commit. In this regard, a person who assists or encourages commission of murder bears accomplice responsibility. A person can only be an accomplice in murder case if he or she wanted the killed person to die and would bear responsibility for any other crime committed as a result of commission of the original crime (Arafa, 2008).

In criminal justice, there are three elements used to decide whether a person is criminally responsible for murder or not. The first element - mens rea - provides that a suspect can only be guilty for murder if he or she intended to kill (Yeo, 2002). This element exonerates people who unwillingly cause death to others. Actus reus is another element which provides that people can only bear criminal liability for offences they actually committed (Yeo, 2002). This element exonerates an individual who wishes to kill another person but does not do it. A combination of these two elements leads to a third element called concurrence which provides that a person can only be criminally responsible for murder if his or her intention to kill leads to actual killing of a person (Yeo, 2002).

In conclusion, homicide is a serious case that requires proper assessment to deliver justice to victims without compromising the rights of accused persons. Right crime elements should be applied during determination to ensure fairness to both sides of case proceedings.

References

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