

Case briefing: people v goetz essay



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People v. Goetz, 1986 New York Court of Appeals Chief Justice Sol Wachtler

Facts: On December 22, 1984, Darryl Cabey, James Ramseur, Troy Canty and Barry Allen were on the same subway car with Bernhard Goetz. Canty approached Goetz and demanded five dollars.

At this point, Goetz stood up, pulled out an unlicensed .38 pistol and fired four shots at the four boys, establishing a "pattern of fire." None of the boys displayed a weapon or otherwise threatened Goetz. Goetz fled the scene but turned himself into police days later. He claimed he was carrying the weapon because he had previously been mugged. Charge: Goetz was originally charged with criminal possession of a weapon in the third and fourth degrees.

After the prosecutor appealed, he was indicted by a grand jury and charged with four counts of attempted murder and assault in addition to the weapons charges. Statute: Criminal possession of a weapon in the third degree (Section 265.02): a person is guilty when they have committed the crime of criminal possession of a weapon in the fourth degree (Section 265.01) and such person possesses a loaded firearm.

Criminal possession of a weapon in the fourth degree: a person is guilty if they possess any firearm. Attempted murder: a person is guilty if the crime attempted is murder in the first degree (Section 35.15). Assault: a person is guilty of assault in the first degree when with intent to cause serious physical injury to another person, he causes such injury to such person or to a third person by means of a deadly weapon or a dangerous instrument (Section 120.10).

Issue: Whether Bernhard Goetz's use of deadly force was justified, given that he was not verbally or physically threatened by the four boys warranted.

Should the justification of self-defense be based on a subjective or objective

standard? Holding: A person must have more reason to believe a physical threat by another is imminent other than that individual's own judgment in

order to justify the use of deadly physical force. Reasoning: A person may

use deadly force against another when he "reasonably" feels that this action is the only method of defense, even if this assumption is incorrect, as long as

there is "an objective notion of reasonableness." This also applies if the

person can flee without inhibiting his or anyone else's safety. Since the

defendant felt his actions were "reasonable to him", it was irrelevant what

anyone else would have done in the same situation. Disposition: AMEND All

dismissed counts of attempted murder and weapons charges were reversed

in Appellate Court and reinstated (but Goetz was later acquitted of the

attempted murder and assault charges).

Other Opinions: Justice Carro and Justice Kassal concurred. Public Policy and

Psychology: Subjective standards, although they cannot account for every

situation, are necessary because if every individual were allowed to apply his

own belief of perceived threat, "no matter how aberrational or bizarre his

thought patterns" there would be a justification for every killing. A strictly

objective standard also does not take into account the insane that would kill

for reasons they perceived as being legitimate, but a "reasonable man"

would not. Personal Opinion: There is no way to subjectively or objectively

justify every specific instance of self-defense. All evidence must be weighed

against the circumstances by a judge or jury.

In Goetz's case, given that he had no real knowledge that the boys were armed or that they had the intent to rob him, he also had no reason to use deadly force. His decision to use deadly force seemed primarily motivated by racism and anger over his previous mugging. How the Case Fits With the Chapter: Chapter 8 of the Lippman text concerns the use of justification as a defense against what would otherwise be a criminal act. The Goetz case shows that self-defense cannot be used as a justification for the use of deadly force when there is no subjective evidence that a person was using it to defend himself against the "imminent use of unlawful force". The court ruled that Goetz did not have sufficient reason to believe he would be harmed by the boys and as such the charges were eventually brought against him.