

Learning objectives

ch 9



Criminal homicide is different from all other crimes because of the finality of its result: the death of the victim. Most of the law regarding criminal homicide is about grading the seriousness of the offense. Grading murder into first and second degree is important because the only first degree murder qualifies for the death penalty. ONLEARNING OBJECTIVES CH 9 SPECIFICALLY FOR YOU FOR ONLY \$13.90/PAGE. Order Now. the meaning of "person" is integral to homicide law. How does this present problems at both ends of the life cycle? When life begins tells us when a potential victim becomes a real victim.

When life ends tells us when a real victim is no longer a victim. First degree murder includes capital cases, bifurcation procedure, proving intent to kill "deadly weapon doctrine". Second degree murder includes depraved heart murder, felony murder, corporation murder. Dividing murder into degrees expanded the idea that not all felons should be executed and MPCs divide murder degree according to mental attitude. Felony murder statutes take one approach to the "inherently dangerous to human life" and one approach where the elements of the crime in the abstract determine whether the rule applies. The heart of voluntary manslaughter is an intentional, sudden killing triggered by an adequate provocation. Provocation is not an excuse for criminal homicide; it only reduces the seriousness of the crime and the punishment to allow for human frailty. Central elements in involuntary manslaughter: Actus reus (voluntary or omission), and mens rea (unintentional killing) causing the criminal harm of death. Criminal negligence homicide statutes cover a wide field, the most common, unintentional deaths caused by operating vehicles and firearms, but also practicing medicine, handling explosives, delivering dangerous drugs, allowing vicious animals to

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run free, failing to care for a sick child, not providing fire exits in businesses

Most state criminal codes apply to corporate criminal homicide in the same way that they apply to other crimes committed for corporations benefit. Both corporations and high corporate officers acting within the scope of their authority and for the benefit of the corporation can commit murder

Prosecutions for this are rare due largely to the hesitation to view corporations as persons. Also reluctance to prosecute stems from vicarious liability and the questions it raises about culpability