

Murder college essay



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Murder from the word "Murdrum" initially referred to a fine imposed by William the Conqueror on any hundred (a subgrouping of a country or a shrine in which a Norman was slain by secret assailants, presumed to be Anglo-saxons resentful of their conquerors. The Fine could be avoided only on proof of Englishry. In 1340 the foreign-born Normans abolishes the fine but the term murder survived. Although it was divorced from its early technical meaning, the label came to represent the worst kind of homicide (Brody, Acker and Logan, 2001, pp. 331). The exact definition of murder varies from jurisdiction to jurisdiction but most often it is define as the unlawful killing of another human being with malice aforethought (Blackstone, 2000, Book 4, Chapter 14c).

From this general definition, we can say that the most important elements of the crime are as follows: first, the actus reus or the act of killing another human being; second, the mens rea or the state of mind during the act which should be intentional, purposeful, malicious and premeditated. Thus, what separate and distinguished the crime of murder to the felony of homicide is the element of malice aforethought. This malicious intent is displayed when the offender or the killer, before the time of the commission of the crime, have adopted the deliberate intent to end the life of another. In some cases where there deliberate intent may be manifested, the malice aforethought is presumed due to the surrounding circumstances of the case. The existence of murder in law is significant in marking a transition from the view that a homicide was a wrong to the survivors or the family of the victim, to the view that it was an offense against the state (Stephen, (1883), p26).

Indeed, the crime of murder is a crime which the society has a direct interest inasmuch as it abolishes the party injured and thereafter making the society takes place the person of the victim and on the victim behalf, demands forgiveness. In some jurisdiction, the crime of murder is divided into first and second degrees. Murder in the first degree often refers to those calculated act of slaying committed with malice aforethought with the requirement that it is accompanied by aggravated circumstance such as extreme brutality and cruelty to the person of the victim. It covers what the law and jurisprudence called heinous crimes and it usually does receives the severest penalty and often the capital punishment or life imprisonment is the punishment imposed to the offender or the killer.

Second-degree murder, upon the other hand, covers that unlawful act of killing that is done without justification or excuse. The punishment imposed to the said classification of murder is usually a long prison term or even a term for life without provision for parole. Aggravating circumstances which usually boost a murder from the second degree to first degree includes: killings carried out for financial gain or robbery or burglary, killing committed with an explosive, murder committed to avoid a lawful arrest, murder of a law enforcer, prosecutor, judge, elected or appointed and even former government official, murder where the killer used poison, or where the victim was tortured and where the killer used poison to administer the killing. In all these aggravating circumstances, the killing can be concluded as an act which was planned, thus, the deliberate intent to end the life of another manifest. Murder is said to be one of the most common crime in the world.

In United States alone the Uniform Crime Reporting (UCR), a program duly administered by the Federal Bureau of Investigation reported that an estimated 17, 034 persons were murdered in the year 2006 which makes it the third among the most often crime and makes up 1. 2 percent of the most violent crimes committed in the country in the year 2006. In the first half of the year 2007, on the other hand, murder and non-negligent manslaughter dropped to 1. 1 percent (2007 Crimes in the United States, January 7, 2008).

In the statistic provided in the year 2006, in cases of murders where the gender of the murdered was known, 90. 9 percent were said to be male, thus, of the total murderers of 17, 399, 11, 508 are males and only 1, 151 are females while the remainder consists of murderers where the gender is not known. This trend follows the prior statistic which shows that the usual gender committing the crime of murder to be the male sex. In the book entitled Murder by D'Cruze, et.

al. , the authors stated the overwhelming patterning of the murder statistics which indicates that the majority of murderers are male. This patterning was explained by the authors as part of evolutionary psychology where it was suggested that human beings not only adapt to their environment as biological being but that such adaptation also occurs at psychological level. Such adaptation reflects the importance of the process of natural selection or the survival of the specie where sex constitutes as a key motivation for human action (34-35). However, the above mentioned theory in the book may be well explained by the statistic also found in 2006 where 78.

9 percent of murder victims for whom gender was known were said to be males. Thus, in the crime of murders, males are said to be always involved. Also in the year 2006, the following factors and rates are seen: As to what circumstances where murder is often committed, 26. percent of the victims were reported to be slain during, and 16.

3 percent were killed in conjunction with a felony or in those case where the victim was being slained or raped; As to the age of the offender or the murderer, where the age is reported, 93. 8; As to the offenders race, in those case where the race was known, it was reported that 54. 8 were black, 42. 8 were white and the remaining 2. 4 were other races; and As to the relationships of murder victims and the offender, if known, 21.

percent of the victims were said to be slained by family member, 23. 1 percent were murdered by stranger and 55. 3 percent were killed by someone with whom they were acquainted (Uniform Crime Reporting, 2006, expanded data table 4-11). In law, they say, there is always a remedy, including those acts that are considered as a crime. In murder the best defense are sufficient provocation, insanity and self-defense. Provocation in this case, should be sufficient, meaning that there is no instigation on the part of the actor or the offender.

However, raising provocation does not always results into absolute absolution to exempt the actor from the punishment of the crime done. At the most, it may reduce the criminal responsibility or liability in particular of that particular person. This may be considered to mitigate the penalty that may be imposed since the offender may argue that the he, at such time, was

sufficiently provoked making his judgment and mental faculties blurred there being no instigation that came along with the killing. Another defense that is available to the offender is the defense of insanity. If the actor at the time of the killing was suffering from such a defect of the mind that diminishes or completely obscures his or her mind or the mental faculties to the extent that he or she does not know what she was doing or if the same is right or wrong, she may be exempt from the crime murder inasmuch as in that case, there is really no genuine intent to kill since the mind of the killer is not stable.

However, in such case, the offender, instead of being tried and subsequently imprisoned, he or she will be confined to mental institution. The last known defense for the crime of murder is self-defense. Acting in defense of one self is accepted as a legal justification or a defense for killing the other person because if he did not act in defense of his person he would be in that situation that would otherwise end his life. In some jurisdiction, self-defense will either exempt or justify the killing.

The propensity of the murderer and the degree of evil intent as shown in the act done are the act punished in this kind of crime. Thus, considering that it is a crime against the state, its prosecution affects the interest of the interest of the public in general inasmuch as it affects the society's well-being and security.