Types Of Homicide

Homicide has been a part of mankind ever since the early ages. As written in the Bible, Cain was the first convict. Since then, homicides, although in their basis are similar, their definition has developed throughout the years. When homicides happen, many believe that it is instantly considered criminal. However, homicide is divided into two types, criminal homicide and non-criminal homicide.

Homicide is defined as the killing of a human being by another. (Britannica, M.Anderson)

Criminal homicide begins with all the elements of murder, the voluntary act, the general intent, the circumstance and criminal harm accompanied by aggravating or mitigating factors. (Samaha, J. Criminal Law, 329)

Murder is the intentional killing of another, committed with “malice aforethought”; “malice aforethought” being the key word.(Samaha, J. Criminal Law, 329)

Murder is classified into two degrees, first degree being the most severe and second degree being a lesser crime.

First degree murder is defined as a murder that is deliberate and premeditated. (Samaha, J. Criminal Law, 334)

For example in the case of State v. Snowden, the defendant Raymond A. Snowden was found guilty in the first degree for the murder of Cora L. Dean. Snowden and Dean were strangers who became acquainted at the HiHo Club, after Snowden and his friend had spent the night bar hopping. Dean and Snowden had danced and later left the tavern inebriated together.

While walking out of the tavern Ms. Dean, wanted Snowden to find a cab and send her back to a previous bar called Boise. Snowden refused because he believed he shouldn’t be paying for her fare. After a short argument, Snowden explained that in his drunken state might have slapped her. Snowden and Dean then calmed down and decided to cross the street to a gas station and call a cab.

After crossing the street, they began arguing again and at that moment Dean attacked Snowden by kneeing him. Snowden then became infuriated and repeatedly stabbed Dean with a pocket knife. Dean’s body was found the next morning “viciously and sadistically” mutilated. Dean’s body had multiple stab wounds. Her voice box was cut, she had a wound on her neck, one in her abdomen, two in the face and two in the back of the neck. One of which had severed the spinal cord and caused her death.

Snowden’s testimony explained that after stabbing Dean, he took her wallet, hailed a passing motorist to Boise and then went to a bowling alley. There Snowden changed his clothes, dropped the knife into a sewer and threw the wallet away. Snowden then returned to his hotel and changed his clothing once more. Snowden then disposed of the clothing that he wore the night of the murder into a trash barrel.

The Supreme Court held that by Snowden deliberately opening his pocket knife and repeatedly stabbing Dean to death, later stealing from her and disposing of the evidence, he was in imposition of the death sentence.

The elements of murder were all present in Snowden's case, the voluntary act of using the pocket knife to attack ,the general intent to kill Dean, the circumstance which was the body of Dean found the next day and the criminal harm which was Dean's gruesome death. All of these actions were deliberate and premeditated which help categorize the murder as a first degree murder. (Samaha, J. Criminal Law, 338,339)

Second degree murder is seen as a lesser crime. Second degree murder is the murder with the intention to produce serious bodily harm with the absence of premeditation resulting in death. (Samaha, J. Criminal Law, 344)

The elements of second degree murder consist of the voluntary act and the criminal harm.

For example in the case of State v. Harris, Nealy Harris was found guilty of second degree murder for the death of Dorothy Jean T. Hall. A group consisting of Howard Williams, Hope Hall, Dorothy Hall and Constance Smith were trying to avoid Nealy Harris. Harris, however interjected himself into the group and commenced to attack Constance Smith with his bare fists. While knocking Smith to the ground, a .22 caliber revolver fell out of her purse which Smith tried to take hold of. Harris took the revolver and fired one shot at Dorothy Hall which mortally wounded her. Hall later died as a result of the fatal wound.

The trial court found that Harris did not intend to kill Smith, however he was found to willfully handle the firearm and assault Smith with the intention of causing serious bodily harm and that resulted in Smith's death. These elements conclude that Harris is guilty of murder in the second degree although the intention to kill was not there. (Justia US Law)

Some homicides as mentioned earlier are categorized as Non Criminal Homicide. Non Criminal Homicides are defined as a homicide that is either justified or excusable. (US Legal)

Justifiable homicide is defined as a killing in self defense or under authorization of the law. (Samaha, J. Criminal Law, 329)

An example of justifiable homicide is of an incident in South Bend Indiana, in which a man was found seriously wounded inside of a home. Once taken to the hospital, the man was pronounced dead. The female resident and the deceased man were found to have a previous relationship which had ended. The female explains that the man had visited her residence to recover his belongings, to which she noted that they were in the car and he was not welcome in the house. The man then angrily insisted to enter the home and later busted through the door. The female afraid for her safety took hold of her gun and aimed it at him. The man began hitting her and thus she opened fired at him. The female explained she did it in self-defense.

The prosecutor's office weeks later confirmed that the death of the man was brought about the actions made by himself prior to the shooting. (Ammoland, Bob Irwin)

When an individual is found to be in present imminent danger with no choice of exiting the situation, it is only then justifiable to attack in order to defend one or others in the moment.

Excusable homicide is defined as the accidental killing or killing done by someone “not sound of memory and discretion.” (Samaha, J. Criminal Law, 329) Examples of an excusable homicide would be of an individual who is at work with an ax and suddenly by misadventure the head of the ax flies off and injures another. (Crimes Against the Person) These newly definitions of homicide help law adapt to the ever changing times of society and by doing so, it enables our current justice system to provide justice as fairly as possible.