

CHAPTER 9 ACTIVITY
Analyzing

Directions: Read each case. You are the prosecutor whose job it is to decide what, if any, criminal homicide charge you will bring (criminal homicide charges are described below). Decide what to charge in each case, and then explain why you chose your answer. In each answer, show how each element of the crime you are charging can be proven from the facts presented.

Criminal Homicide

- **First-degree murder:** a person with a premeditated intent, deliberately and with malice takes the life of another.
- **Second-degree murder:** a person with an unpremeditated intent to kill takes the life of another.
- **Voluntary manslaughter:** a person causes the death of another after extreme provocation.
- **Involuntary manslaughter:** a person with criminal recklessness causes the death of another

Case 1

Sixteen-year-old Terry was in a bedroom at his family's home with his younger brother when he pulled a handgun from underneath his mattress. Terry was allegedly pointing the gun at his brother when it fired. The bullet struck his brother, killing him.

Terry had gotten the .380-caliber semi-automatic handgun by trading a 9 mm Glock he had stolen from his father. The police say they believe the shooting was not intentional.

Crime charged: _____

Why?

Identify each element of the crime and what evidence supports your decision.

CHAPTER 9 ACTIVITY
Analyzing (continued)

GLENCOE
STREET LAW
A Course in Practical Law

Case 2

Mr. Chung was awakened by the sound of his girlfriend screaming that someone had just stolen the couple's car from outside their home. Chung got his gun, jumped into another car, and chased after the thief.

Chung found the 15-year-old thief, Ethan, just a few blocks away driving the stolen car. Chung then drove alongside the stolen car in an attempt to make Ethan stop. The pursuit lasted several blocks, ending when Chung pulled his handgun out of a holster and fired three times at the car. Two shots hit the right rear fender. A third shot shattered the back window and hit Ethan in the head. Ethan died four days later.

Chung told investigators that during the pursuit, Ethan tried to swerve toward him in the stolen car, and that Chung fired because he feared for his life. Prosecutors said a witness saw no "erratic or alarming" driving.

Chung is a family man with no criminal record and a long history of helping others. Chung worked for 11 years as a caregiver at a school for disabled youth. He had also been a firefighter in the armed services. Ethan was a troubled youth who had a long history of stealing cars, drug use, and truancy.

Crime charged: _____

Why?

Identify each element of the crime and what evidence supports your decision.

