**How Do You Find?**

Murder and Manslaughter: Case Example 1

**Facts:** Fast Boyle is walking along a busy street. Clay bumps into Boyle and continues walking without saying, "Sorry." Angered by Clay's rudeness, Boyle immediately pulls out a gun and kills Clay.

Murder and Manslaughter: Case Example 2

**Facts:** Standing next to each other in a bookstore a few feet away from the top of a flight of stairs, Marks and Spencer argue over the proper interpretation of free will in Hobbes's philosophy. The argument becomes increasingly animated and culminates when Spencer points a finger at Marks and Marks pushes Spencer backwards. The push is hard enough to cause Spencer to fall backwards and down the stairs. Spencer dies from the resulting injuries.

Murder and Manslaughter: Case Example 3

**Facts:** Lew Manion comes home to find that his wife Lee has been badly beaten and sexually abused. Manion takes Lee to the hospital. On the way, Lee tells Manion that her attacker was Barnett, the owner of a tavern that she and Manion occasionally visit. After driving Lee home from the hospital about four hours later, Manion goes to a gun shop and buys a gun. Manion then goes to the tavern and shoots and kills Barnett.

**Verdicts**

**Verdict:** Boyle could probably be convicted of second degree murder, because he killed Clay intentionally. A judge or jury is unlikely to conclude that the killing was premeditated, which would elevate the shooting to first degree murder. On the other hand, this wasn’t the kind of heat-of-passion killing that equals voluntary manslaughter. While Boyle might have been provoked in some sense, the circumstances weren’t so extreme to cause a reasonable person to lose control.

**Verdict:** Marks would probably be guilty of involuntary manslaughter. It was [criminally negligent](http://www.nolo.com/legal-encyclopedia/what-criminal-negligence.html) of him to shove a person standing near the top of a stairway. But the circumstances don't seem to suggest that his behavior was so reckless as to demonstrate extreme indifference to human life, which would have elevated the crime to second degree murder. If the evidence had indicated that Marks intended to kill Spencer with the push, a judge or jury would have had to determine whether the extent of the provocation made the homicide voluntary manslaughter.

**Verdict:** Manion could be convicted of first degree murder, because the time for reflection and his purchase of the gun indicates premeditation and deliberation. Voluntary manslaughter is a somewhat less likely alternative because a judge or jury could find that the heat of passion had cooled, even though Manion remained angry at the time he acted.