

Homicide & Felony Murder Rule

Facilitator Guide

Session Overview

Review of Basic Premises & Learning Objectives	05m
DISCUSSION - Felony Murder Rule	20m
DISCUSSION - Premeditation	10m
DISCUSSION - Murder 1 & 2	25m
Break	10m
DISCUSSION - Manslaughter 1 & 2	15m
DISCUSSION - Homicide by Abuse	10m
DISCUSSION - Controlled Substance Homicide	10m
Questions & Conclusion	05m
End of Session / Break	10m

Learning Objectives:

- Identify the BARRK Felonies
- Given a specific scenario, apply the Felony Murder Rule
- Articulate the difference between Excusable Homicide & Justifiable Homicide
- Recognize what triggers “premeditation”

Total Session Time: 2 hours

Main Topics of Session:

- *Homicide Crimes*
 - *Murder*
 - *Manslaughter*
 - *Homicide by Abuse*
- *Premeditation*
- *Felony Murder Rule / BARRK Felonies*

Facilitators Needed: 1(CL)

Location: Classroom

Materials Needed:

- *Criminal Law Student Resource Guide – INSTRUCTOR VERSION*

Students Should Already Have:

- *Pocket Press Books*
[THUMB DRIVE]
- *Criminal Law Student Resource Guide*



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NOTE TO FACILITATOR

Refer students to the Homicide chapter in their Criminal Law Student Resource Guide. Lead a 25-minute discussion by reviewing the Five Basic Premises of Criminal Law as you will need to reference the differences in mental states throughout these statutes.

Explain the Felony Murder Rule and provide examples of how it might be applied.

See file: [Criminal Law Student Resource Guide - INSTRUCTOR VERSION - Homicide](#)



SAY TO CLASS

This session will build upon the laws of Assault and Mistreatment/Abandonment and apply them to situations where a death has occurred. An understanding of the Basic Premises of Criminal Law is crucial in applying these laws as we are applying both the mental state and causation prongs with these crimes.

Let's begin with a discussion of "Premeditation" as it applies to and enhances the mental state of "Intent."

Intro



DISCUSSION

QTC: What is the RCW definition of Premeditation under RCW 9A.32.020?

AR: "...must involve more than a moment in point of time."

QTC: So how long does someone have to think about committing a murder for it to be considered premeditated?

AR: A certain number of minutes

Depends on what they were doing leading up to the homicide

Longer than the "heat of the moment"

QTC: What kinds of facts or evidence could you use to articulate that the murder was premeditated? (*make a list of the students' responses on the board*)

AR: Prior threats to kill the person, access to the murder weapon, comments made prior to the murder, etc.



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NOTE TO FACILITATOR

Lead a 25-minute discussion on the differences between Murder 1st and Murder 2nd.

Discuss the difference between Excusable Homicide (strictly an accident) and Justifiable Homicide (intentional but justified).

Discuss the Aggravating Factors and how they relate to the Death Penalty in Washington State (RCW 10.95.020).

Provide examples of how each might be applied.

See file: [Criminal Law Student Resource Guide - INSTRUCTOR VERSION - Homicide](#)



BREAK



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NOTE TO FACILITATOR

Lead a 15-minute discussion on the differences between Manslaughter 1st and Manslaughter 2nd.

Provide examples of how each might be applied.

See file: [Criminal Law Student Resource Guide - INSTRUCTOR VERSION - Homicide](#)



DISCUSSION

QTC: Manslaughter 1st degree refers to the death of an “unborn quick child?” under RCW 9A.32.060? What is a “quick child?”

AR: Unborn child capable of surviving outside the womb – typically in the third trimester of pregnancy.

QTC: Can you think of a situation when this might be applied?

AR: A DV where the perpetrator focuses his/her assault at the unborn child

Any kind of assault of the pregnant woman where you can show the attack was directed at the fetus

QTC: What if the assault was focused only on the woman, but the unborn quick child dies as a result? Manslaughter 2nd degree?

AR: It can't be Manslaughter 2nd degree because that statute (RCW 9A.32.070) refers to the death of “another person” and the state has specifically differentiated that an unborn child is not yet a “person”. Assault would be the appropriate crime to consider.



NOTE TO FACILITATOR

Lead a 10-minute discussion on Homicide by Abuse (RCW 9A.32.055). Expand on the Criminal Mistreatment and Abandonment statutes that were already covered.

Use the Discussion below to discuss when this law might be applied.

See file: [Criminal Law Student Resource Guide - INSTRUCTOR VERSION - Homicide](#)



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DISCUSSION

QTC: Homicide by Abuse requires an “extreme indifference to human life”. What types of situations could that apply to?

AR: Not caring if the person lives or dies

Ongoing situation – extended period of mistreatment or abandonment

Placing or leaving the person in a dangerous situation that could cause death

Knowing the person is ill or has severe bedsores and not seeking treatment

QTC: Homicide by Abuse also requires proof that the person “has previously engaged in a pattern or practice of assault or torture of the ...[victim].” What could you use to establish that pattern or practice? *(make a list of the students’ responses on the board)*

AR: Prior history of assault/neglect involving the victim and suspect

Medical records and/or autopsy report showing history of questionable injuries

Statements from witnesses

Physical condition of the victim – should it have been obvious?



NOTE TO FACILITATOR

Lead a **10-minute** discussion on Controlled Substances Homicide (RCW 69.50.415) and provide examples of when this law might be applied (i.e. “Pharm party”, “Skittles party”, overdose when drugs were provided by someone else).

Discuss the difficulty in proving this crime - difficult witnesses, who to interview, mental state of participants if under the influence themselves, juvenile considerations

See file: [Criminal Law Student Resource Guide - INSTRUCTOR VERSION - Homicide](#)



SAY TO CLASS

This has given you the basic foundation of the laws as they apply to a Homicide – defined by RCW 9A.32.010 as “the killing of a human being by the act, procurement, or omission of another, death occurring at any time...”

Wrap Up &
Questions

The actual investigation of these crimes will come at a later time.



BREAK/ END OF SESSION

