

# 7.2 Violent Crimes

Homicide/Murder , Manslaughter, Assisted suicide

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Homicide–The killing of another person, directly or indirectly

Can be culpable or non-culpable



# Culpable and non-culpable Homicide

**Culpable Homicide** is blamable or criminal homicide.

**Culpable:** committed by an unlawful act, criminal negligence, causing that human being (by threats, fear of violence or by deception, to do anything that causes their death, or by wilfully frightening that human beings, in the case of a child or sick person.

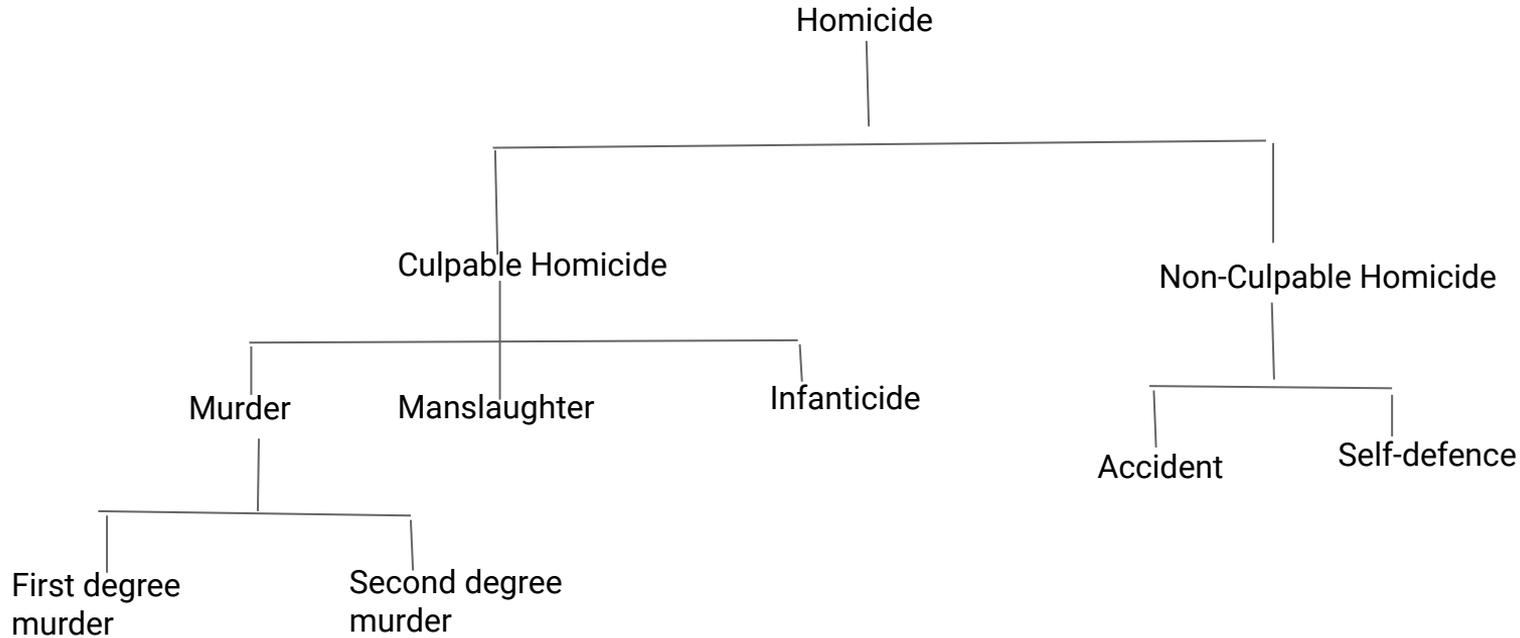
A culpable homicide happens when a person causes the death of someone else, on purpose or because of recklessness. So that person is to blame.

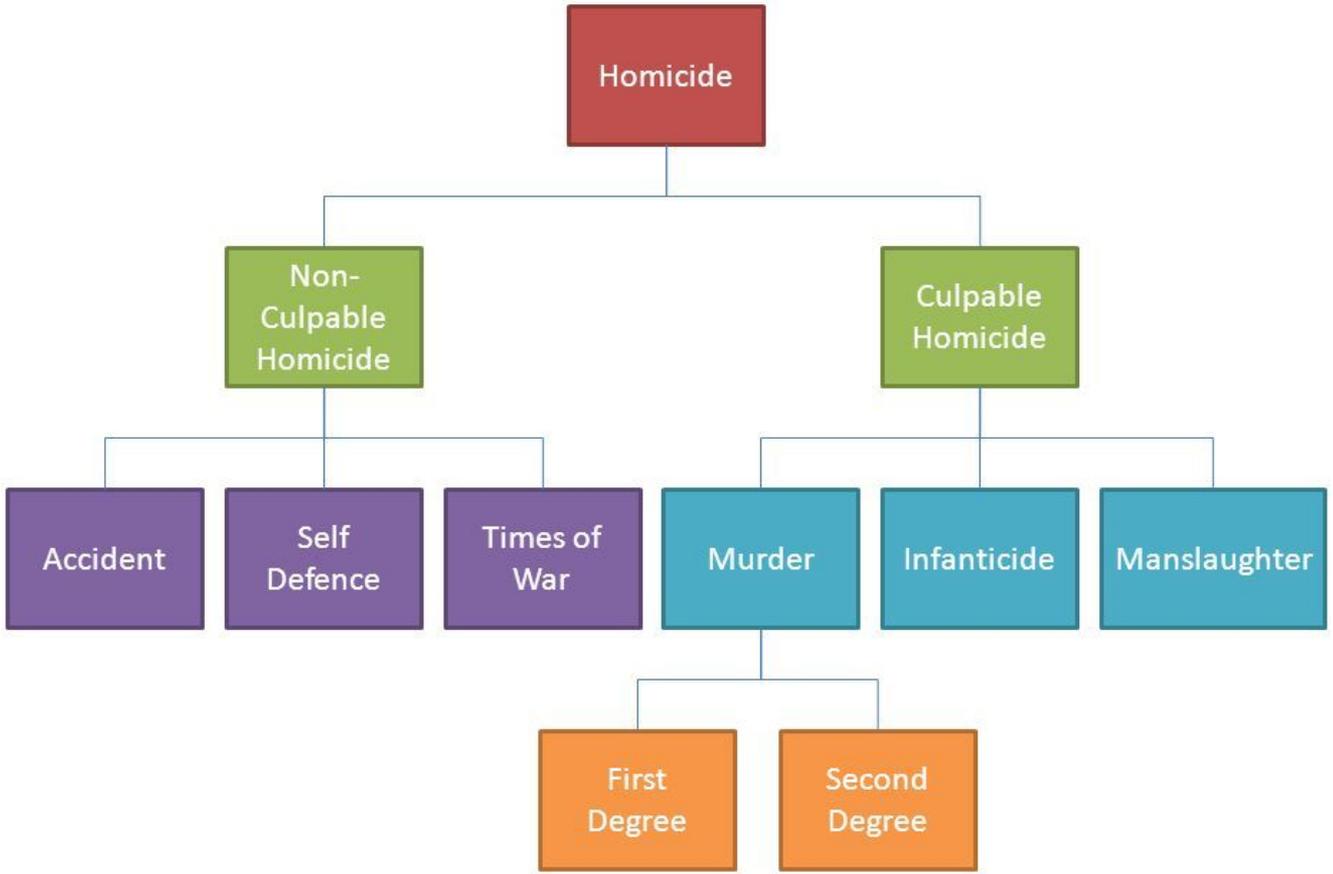
**Non-culpable** homicide is when a person will not be held criminally responsible for what has happened.

**Non-culpable:** justifiable; lacking the mens rea of an offence; i.e. done in self defense

A non-culpable homicide is not an offence. The death was the result of a complete accident, and, therefore, it lacks intent or blame.

# Types of Homicide





# Assisted Suicide– The act of counselling, aiding or abetting someone to commit suicide

Assisted suicide is similar to euthanasia which is considered **mercy killing**, usually to relieve suffering. This means that one person acts to end another person's life.



# Assisted suicide case study



Who: Audrey Parker

What: Forced to have assisted suicide early due to law that you must be lucid at the time of assisted suicide.

Where: In halifax new brunswick

When: she passed away november 1st 2018

# Eligibility for assisted suicide

- To be eligible for assisted suicide you must be:
  - Eligible for health services funded by a government in Canada
  - At least 18 years old and capable of making decisions to affect their own health
  - Have a grievous and irremediable medical condition
  - Made a voluntary request for medical assistance in dying, was not pressured by external forces
  - Give informed consent to have assisted suicide after being informed of the ability to relieve their suffering

# Grievous and Irremediable Condition

- Serious and incurable illness, disease or disability
- In an advanced state of irreversible decline in capability
- Illness, disease, disability or state of decline causes them physical or psychological suffering that is intolerable and cannot be relieved other ways
- Natural death became foreseeable, taking into account all of their medical circumstances, w/o a prognosis not made on how long is left
  - Prognosis: a forecast of the likely outcome of a situation

# Who can administer the substance?

- “medical practitioner or nurse practitioner administers a substance to a person, at their request, that causes their death”
- “prescribing or providing by a medical practitioner or nurse practitioner of a substance to a person, at their request, so that they may self-administer the substance and in doing so cause their own death.”
  - Medical practitioner: a person who is entitled to practice and administer medicine under the provincial laws

# Safeguards

- Before the medical or nurse practitioner provides them with assisted suicide, they must:
  - Agree that they meet all criteria stated above
  - Ensure request was written, signed by the person and another, and dated
  - Ensure that they know they can withdraw their request at any time
  - Ensure another nurse/medical practitioner provided a written opinion agreeing criteria has been met
  - Be satisfied that them and the other nurse/medical practitioner are independent
  - Ensure there are at least 10 clear days between the day the request was signed by or on behalf of the person and the day on the assisted suicide is provided
  - Immediately before providing the suicide, give them opportunity to withdraw
- If they're unable to sign and date for themselves, another person who is at least 18, who understands what they're signing and why, may do so in their presence, in their direction

Murder–  
Intentional  
Homicide or  
intentional killing  
of another person



# First and second degree murder

The minimum sentence for both first and second degree murder is life in prison. The difference is the possibility of parole.

**Parole-** releasing an inmate into the community before the full sentence is served.

First degree murder is the most serious form of homicide as defined in the criminal code

Second degree murder is murder that does not meet the condition of first degree murder.

It is first degree if  
any of the following  
exist

- 1) The murder is planned and deliberate. Planned refers to scheme that has been thought out. The person must have carefully weighed out the consequences of their actions. Deliberate means the actions were not impulsive.
- 2) The victim is law enforcement agent, such as a police officer or a prison official.
- 3) The death occurs while another is being committed ex: a bank robber may kill a guard while robbing a bank.

# Parole after murder

When you have committed first degree murder you are eligible for parole after serving 25 years.

When you have committed second degree murder you must serve 10 years before you are eligible for parole.

# Murder/ Homicide Case Study:

:  
<https://globalnews.ca/news/6261219/first-degree-murder-saskatoon-2/>

Charged with use of a firearm and reckless discharge of a firearm and homicide

Scheduled to appear in provincial court on december 6th

Craig Gladue is being held in custody until next court date appearance on december 12th

First Degree murder charge laid in Saskatoon shooting.

When: the shooting took place roughly around 10am on August 10th 2019.

Where: Saskatoon, Pleasant hill neighbourhood.

Who: Victim is Andrew Merasty  
Age:25, Accused is Craig Gladue  
Age:20

# Manslaughter

Culpable homicide that is not murder or infanticide

Causing death of a person directly or indirectly by means of unlawful act

Requires general intent



Sometimes people  
charged with  
murder are  
convicted of  
manslaughter

This can happen if the accused successfully uses one  
of two defenses

Provocation

Intoxication

# Provocation

## Provocation

-For a provocation defence, it must be shown that the accused caused another's death "in the heat of passion caused sudden provocation"

-the provocation must be a wrongful act or insult and must be something that would cause an ordinary person to lose self-control

-the killing must take place during the loss of self control

-if the accused has time to plan the charge would be murder and not manslaughter

Ex if a person sees a loved one being seriously harmed and kills the aggressor to protect the loved one,



# Intoxication

## Intoxication

- is often significant in murder cases
- being drunk and high on drugs can affect a person's ability to predict the consequences of his or her actions
- if there is doubt as to whether the accused was drunk or high the accused must be found guilty of manslaughter and not murder



# Manslaughter Case study:

White alabama officer guilty of manslaughter for killing black man.

who : Victim is Greg Gunn Age:58, Accused Aaron Cody Smith Age:26

When: 3:30 am 2016

Where: He was walking home from a card game.