

First, Second and Third-Degree Murder

1

First

What is it?

Most serious. It is intentional and premeditated.

Key Elements

Defendant planned the murder and had the intent to kill.

Specific Circumstances

If murder happens during felonies or the killing of a police officer.

Penalties

Most severe. May be life imprisonment or the death penalty.

Defense

Show evidence, lack of premeditation, mental state, alibi, and self-defense.

2

Second

Less serious. It is intentional but not premeditated.

Defendant was impulsive or reckless but did not intend to kill.

If defendant acted with a "depraved indifference" to human life.

Less severe. May be life imprisonment or a long sentence.

Show lack of premeditation, stress impulsivity, and propose alternative causes.

3

Third

(manslaughter)

Least serious. It is not intentional or premeditated.

Defendant was negligent or reckless but did not intend to kill.

If defendant committed voluntary or involuntary manslaughter

Less severe. May be fine or usually a shorter prison sentence.

Show no intent to kill, negligence, recklessness, or heat of passion defense.

Murder In The First

John Frederick Archbold



Murder In The First:

Encyclopedia of Capital Punishment in the United States, 2d ed. Louis J. Palmer, Jr., 2008-08-06 This updated encyclopedia provides ready information on all aspects of capital punishment in America It details virtually every capital punishment decision rendered by the United States Supreme Court through 2006 including more than 40 cases decided since publication of the first edition Entries are also provided for each Supreme Court Justice who has ever rendered a capital punishment opinion Entries on jurisdictions cite present day death penalty laws and judicial structure state by state with synopses of common and unique features Also included are entries on significant U S capital prosecutions legal principles and procedures in capital cases organizations that support and oppose capital punishment capital punishment s impact on persons of African Asian Hispanic and Native American descent on women and on foreign nationals and the methods of execution Essential facts are also provided on capital punishment in more than 200 other nations A wealth of statistical data is found throughout

A Treatise on the Criminal Law of the United States Francis Wharton, 1857 **Handbook of American Prisons and Reformatories**, 1929 Reports of Cases Determined by the Supreme Court of the State of Missouri Missouri. Supreme Court, 1881 **The American Reports**, 1912 Containing all decisions of general interest decided in the courts of last resort of the several states 1869 1887 *The New Jersey Law Journal*, 1911 Vols 4 17 include General public acts passed by the 105th 118th Legislature of the state of New Jersey and lists of members of the Legislature Digest of the Decisions of the Courts of Common Law & Admiralty in the United States: by G.T. Curtis, 1856 New York Court of Appeals. Records and Briefs. New York (State). Court of Appeals., 1923 Volume contains 236 NY 668 *People v Becker* 236 NY 674 *People v Freeney* **Principles of Criminal Law** Seymour Frederick Harris, 1880 *The Pacific Reporter*, 1919 *Records and Briefs New York State Appellate Division*, *Minnesota reports*, 1925 Reports of Cases Argued and Determined in the Supreme Court of Errors of the State of Connecticut Connecticut. Supreme Court, 1881

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