

Arizona Peace Officer Standards and Training

Basic Curriculum Model Lesson Plan

LESSON TITLE: SUBSTANTIVE CRIMINAL LAW 2.11

SUBJECT:	Substantive Criminal Law, Chapter 11 Homicide
AZ POST DESIGNATION:	2.11.11
HOURS:	1
COURSE CONTENT:	An analysis of the most frequently used statutes in this chapter.
PERFORMANCE OBJECTIVES:	Upon completion of this course of instruction, students using notes, handouts and other support materials as references, within the allotted time, will:
2.11.11.1	Given a written, verbal or visual description depicting the possible commission of the following crime(s), identify if a crime occurred and, if so, the common crime name and classification:
A.	Homicide (A.R.S. §§13-1101 through 13-1105).

DATE FIRST PREPARED: November 2000

PREPARED BY: SME Committee

REVIEWED – REVISED:	SME Committee	DATE: May 2002
REVIEWED – REVISED:	Sgt. George Sloane, TPD	DATE: August 2002
REVIEWED – REVISED:	SME Committee	DATE: April 2003
REVIEWED – REVISED:	SME Committee	DATE: May 2006
REVIEWED – REVISED:	SME Committee	DATE: February 2009
REVIEWED – REVISED:	SME Committee	DATE: June 2010
REVIEWED – REVISED:	SME Committee	DATE: November 2011
REVIEWED – REVISED:	SME Committee	DATE: June 2015
REVIEWED – REVISED:	Steven Enteman	DATE: August 2019
REVIEWED – REVISED:	SME Committee	DATE: January 2021
REVIEWED – REVISED:	SME Committee	DATE: September 2021
REVIEWED – REVISED:	AZPOST (DocX)	DATE: January 2022
AZ POST – APPROVAL:	Richard Watling	DATE: November 2015
AZ POST – APPROVAL:	Mandy Faust	DATE: February 2021
AZ POST --APPROVAL:	Lori Wait	DATE: January 2022

INSTRUCTOR REFERENCES: A.R.S. Title 13

CLASS LEVEL: Student

TRAINING AIDS: <http://www.azleg.gov/ArizonaRevisedStatutes.asp>

INSTRUCTIONAL STRATEGY: Interactive lecture.

SUCCESS CRITERIA: 70% or higher on a written, multiple-choice examination.

COMPUTER FILE NAME: 2-11 Ch 11 Homicide

DATE RELEASE TO THE SHARE FILE: May 27, 2022

I. INTRODUCTION

- A. Instructor – (self) introduction. **INSTRUCTOR NOTE:** Use if taught as a “stand alone” lesson plan.
- B. Preview of performance objectives.

II. DEFINITIONS

P.O. 2.11.11.1A

- A. It is very important that you have an understanding of the definitions for each statute – you must understand the definitions in order to apply the law.
- B. Premeditation – means that the defendant acts with either the intention or the knowledge that he/she will kill another human being, when such intention or knowledge precedes the killing by a length of time to permit reflection.
 - 1. An act is not done with premeditation if it is the instant effect of a sudden quarrel or heat of passion.
 - 2. Premeditation is the element which distinguishes first-degree murder from second-degree murder.
- C. Homicide – means first- or second-degree murder, manslaughter or negligent homicide.
- D. Person – means a human being.
- E. Adequate provocation – means conduct or circumstances sufficient to deprive a reasonable person of self-control.
 - 1. This paragraph defines "adequate provocation" by reference to a reasonableness standard on the loss of self-control.
 - 2. This formulation is consistent with the court's holding in State v. Harwood, 110 Ariz. 375 (1974) that to reduce a homicide from murder to manslaughter committed on sudden heat of passion, the passion must be aroused by "adequate provocation."
 - 3. The court stated "this heat of passion must be such a passion as would naturally be aroused in the mind of an ordinarily reasonable person under given facts and circumstances and . . . consequently, no defendant may set up his own standard of conduct and justify or excuse himself because in fact his passions were aroused, unless further the jury believed that the facts and circumstances were sufficient to arouse the passions of the ordinarily reasonable man."

III. 13-1102 – NEGLIGENT HOMICIDE

P.O. 2.11.11.1A

- A. A person commits negligent homicide if with criminal negligence such person causes the death of another person including an unborn child.

- B. Negligent homicide is a Class 4 felony.
- C. A person who fails to perceive the possible danger inherent in holding a gun to another person's head when he/she had no intention of pulling the trigger is at least negligent and is guilty of negligent homicide if someone hits his/her hand, the gun goes off and the person dies.
INSTRUCTOR NOTE: *People v. Standfield 1974, 44 A.D. 2d 780, 355 N.Y.S. 2d 3.*
- D. Negligent homicide covers all deaths caused by criminal negligence, however accomplished (e.g., by a motor vehicle, firearm or abandoned refrigerator).
- E. "Criminal negligence" as used in this statute, means that a person failed to perceive a substantial risk that death is likely to result from his/her activity.
- F. The risk of death must be of such nature and degree that the person's failure to be aware of it constitutes gross deviation from the standard of care that a reasonable person would observe in the circumstances.

IV. 13-1103 – MANSLAUGHTER

P.O. 2.11.11.1A

- A. A person commits manslaughter by:
 - 1. Recklessly causing the death of another person; or
 - 2. Committing second-degree murder as defined in A.R.S. §13-1104, Subsection A, upon a sudden quarrel or heat of passion resulting from adequate provocation by the victim; or
 - 3. Intentionally providing the physical means that another person uses to commit suicide, with the knowledge that the person intends to commit suicide: or
 - 4. Committing second-degree murder as defined in A.R.S. §13-1104, Subsection A, paragraph 3, while being coerced to do so by the use, or threatened immediate use, of unlawful deadly physical force upon such person or a third person which a reasonable person in his/her situation would have been unable to resist; or
 - 5. Knowingly or recklessly causing the death of an unborn child in the womb at any stage of its development by any physical injury to the mother.
- B. A person who is at least eighteen years of age commits manslaughter by intentionally providing advise or encouragement that a minor uses to die by suicide with the knowledge that the minor intends to die by suicide.
- C. Manslaughter, by all paragraphs, is a felony.

V. 13-1104 – SECOND-DEGREE MURDER

P.O. 2.11.11.1A

- A. A person commits second-degree murder if WITHOUT PREMEDITATION:
1. Such person intentionally causes the death of another person including an unborn child or, as a result of intentionally causing the death of another person, causes the death of an unborn child; or
 2. Knowing that his/her conduct will cause death or serious physical injury, such person causes the death of another person, including an unborn child or, as a result of knowingly causing the death of another person, causes the death of an unborn child; or
 3. Under circumstances manifesting extreme indifference to human life, such person recklessly engages in conduct which creates a grave risk of death and thereby causes the death of another person, including an unborn child or, as a result of knowingly causing the death of another person, causes the death of an unborn child.
- B. Second-degree murder is a felony.
- C. THE MAJOR DIFFERENCE BETWEEN FIRST- AND SECOND-DEGREE MURDERS IS THE PRESENCE OR ABSENCE OF PREMEDITATION.
- D. Paragraph 1 covers the intentional taking of another human life without premeditation.
- E. Paragraph 2 covers knowingly engaging in specific conduct that the defendant should have known was such that it could cause death or serious physical injury and that it does, in fact, cause death.
- F. Paragraph 3 penalizes with equal severity a homicide committed "recklessly" under circumstances which manifest extreme indifference to human life.
- G. The extreme indifference involved in this type of activity distinguishes it from the less culpable recklessness involved in manslaughter.
1. Shooting into a crowd.
 2. Derailing a speeding train.

VI. 13-1105 – FIRST-DEGREE MURDER

P.O. 2.11.11.1A

- A. A person commits first-degree murder if:
1. Intending or knowing that his/her conduct will cause death, such person causes the death of another person, including an unborn child with PREMEDITATION or, as a result of causing the death of another person with premeditation, causes the death of an unborn child.

2. Acting alone or with others, the person commits, or attempts to commit, any crime outlined in A.R.S. §13-1105(A)(2) and in the course of, and in furtherance of, the offense or immediate flight from the offense, the person or another person causes the death of another.
 3. Intending or knowing that the person's conduct will cause death to a law enforcement officer, the person causes the death of a law enforcement officer who is in the line of duty.
- B. First-degree murder is a felony.
- C. Paragraph 1 outlines the most serious offense in Title 13 as of this writing. It requires the two (2) most culpable mental states and it requires PREMEDITATION.
- D. Paragraph 2 outlines the FELONY MURDER RULE.

It provides that a person commits first-degree murder if acting either alone or with others, such person commits, or attempts to commit, any of the following crimes and in the course of, and in furtherance of, such crime or immediate flight from the scene, such person or another person causes the death of any person:

1. Sexual conduct with a minor – A.R.S. §13-1405.
2. Sexual assault – A.R.S. §13-1406.
3. Child molesting – A.R.S. §13-1410.
4. Drug offenses – see listing.
5. Drive by shooting – A.R.S. §13-1209
6. Kidnapping – A.R.S. §13-1304.
7. Burglary – A.R.S. §13-1505,6,7.
8. Arson of an occupied structure – A.R.S. §13-1704.
9. Robbery – A.R.S. §13-1902,3,4.
10. Terrorism – A.R.S. §13-2308.01
11. Escape – A.R.S. §13-2503,4.
12. Child abuse – A.R.S. §13-3623.

13. Unlawful flight – A.R.S. §28-622.01. **INSTRUCTOR NOTE: DISCUSSION**

Discuss the phrase "in the course of and in furtherance of such crime or immediate flight" with students and how it applies to real life situations.

- E. Scenario #1: John is not a very good shot with a bow and arrow but because he is angry with his neighbor, Bob, he shoots in Bob's direction with a target arrow. The arrow hits Bob in the chest and kills him.
1. The previous scenario would be a good example of what?
- a. Second-degree murder if we can show the mental state of knowingly.
- b. Manslaughter if we can show only the mental state of recklessness.
- F. Scenario #2: Bill robs a post office and while fleeing the scene, he accidentally runs over and kills a pedestrian.
- G. This would be a good example of?
- H. First-degree murder.

VII. CONCLUSION

- A. Review of performance objectives.
- B. Final questions and answers.
- C. Instructor closing comment(s).