

CHAPTER 8 ACTIVITY
Application

STREET LAW

Directions: Read the facts below and then answer the questions that follow on a separate sheet of paper.

Very late on a Saturday night, Jose, Manuel, and Fermine, who were casual acquaintances, were partying at a club. Jose was 21, while Manuel and Fermine were 20 years old. All three had been drinking. Around 1:00 A.M., they piled into Manuel's car and headed for a party about 20 miles away. As they were driving, Jose admitted that he had had a short affair with Fermine's sister. Manuel pulled the car over and a fight began.

By 3:00 A.M., Manuel and Fermine had broken Jose's jaw, several of his ribs, and two bones in his neck. They kicked him about 50 times in the head and chest with steel-toed boots. During the fight, Jose and Fermine rolled into a drainage ditch. Manuel and Fermine left on foot, leaving their car behind. Manuel broke into a store and called 911 to summon aid for his badly bleeding hand. He made up a story to tell the police and got a ride home.

Fermine ran to his brother's house, crying that he might have killed a man. His brother gave him clean clothes and drove him back to the ditch so he could collect things from the car and then leave the state. Fermine saw Jose in the ditch, sitting with his elbows on his knees. Fermine and his brother drove to a gas station, where Fermine tossed his bloody clothes in a trash bin, and Fermine headed out of state. He drove past the ditch, noticed that Manuel's car was gone, and assumed that Jose had been found.

Manuel told his mother about the fight. Later that afternoon, Manuel drove back to the ditch with a friend. This friend later told police that the two of them saw Jose still alive and that he reached his hand toward them. They left without doing anything. That night Manuel's mother went to the police at 7:30 P.M. It was 16 hours after the fight had begun. When the police arrived at the ditch, Jose was dead. During the time that Jose was in the ditch six people knew he was in the ditch and did nothing to help him.

Medical examiners said later that Jose could have been saved had any of the witnesses called for help.

1. Who are the principals in the crime of murder?
2. What is the guilty state of mind for murder?
3. What is the motive in this case for murder?
4. Are there any accessories before the fact? If so who?
5. Are there any accessories after the fact? If so, who?
6. Is there any crime of omission? If so, what?
7. What should happen to the six people who knew that Jose was in the ditch but did nothing?
8. Is there any civil suit that can be brought? If so, what?
9. Is this murder a federal or state crime? Why?
10. Is murder a felony or misdemeanor? How do you know?