TO: Ron Giles

FROM: Michael Santana

Date:

Re: Jeffrey Beckles- Negligent Homicide Case

**Facts**

According to the facts presented to the Grand Jury, defendant, Jeffery Beckles is 30 years old, 5 feet and 10 inches tall and has a strong built and Tyrone Johnson is 54 years of age, 5 feet and 6 inches tall and weighs 60 pounds. Beckles, with the back of his hand, hit Johnson which resulted in the fracture of the deceased’s jaw. He fell to the ground and hit his head on an angular object which caused contusions and brain hemorrhage. Reportedly, he was drunk at that time. He did not visit the hospital until one day after the incident had happened. He was hospitalized where he developed pneumonia and died six days later. In the light of opinion presented by the medical examiner, brain hemorrhage was the reason for his death rather than the slap by the defendant.

 According to the statement given by the police, Mr. Beckles was unaware of the pre-existing condition of the deceased.

The deceased did not visit the hospital or consult a doctor till the day of incident, rather stayed at home until he suffered from nausea, seizures and amnesia. No eye witness of the quarrel is known but the statements, given by the friends of the deceased, said that the deceased failed to pay the debt owned from Mr. Beckles, which made Mr. Beckles upset. Jeffery Beckles also stated that his mood fluctuates due to the bipolar disorder he is suffering from. It was evident from his statement that he had anger issues but no psychological reports or assessments of his disorder were obtained. Mr. Beckles did not have any intentions to murder the victim as he stated that the deceased threatened to smack him with the bottle of beer. In order to protect himself from the attack, he slapped him with the back of his hand. His friends reported that he has a past history of excessive drinking and quarrelling.

**Discussion**

The aim of this memo is to determine whether Jeffery Beckles is guilty of criminally negligent homicide of Tyrone Johnson. After stating facts, laws, and theories related to the crime, it will become evident whether or not Ron Giles is able to successfully defend the defendant Jeffery Beckles.

According to the New York Penal Law § 125.10, if a human dies due to another negligent crime, it will be considered negligent homicide. Also, according to the New York Penal § 125.00, Homicide means an action or behavior due to which the death of a person occurs or which results in the death of an unborn child, who is twenty-four weeks old, under conditions establishing murder, first degree manslaughter, second degree manslaughter in the second degree, criminally negligent homicide, first degree self-abortion or first degree abortion.

As the part of homicide statutes, negligent homicide usually lagged at government level. It is considered as the lowest form of offense which can result in the death of a person. Homicide can be described through different situations. The intent of the culprit decides the charge of the crime. Negligence homicide occurs when the culprit had no intentions of murdering the deceased (Riesenfeld)

Negligence homicide occurs when a person takes the life of another through criminal negligence. It also happens when the behavior of a person becomes risky. Even though it is of lower intent but still considered a serious crime (Karaba).

Negligence homicide can also be categorized as death by conduct which diverged from usual care. It may be charged as involuntary manslaughter. To fulfill specific requirements, local law should be referred to as the state law may differ (*Negligent Homicide Law and Legal Definition | USLegal, Inc.*)

The prosecutors need intent in order to prove the defendant guilty of involuntary manslaughter, as malevolence was not a part of the crime. The prosecution must show that the act of the defendant caused the death of a person which was fundamentally perilous or was committed carelessly. They also need to prove that the defendant should have been aware of the intensity and effects of his crime.

The act of defendant may be considered as self-defense if there is any evidence present that shows that he believed that the act he performed was in order to protect himself from the deceased.

The court must release the defendant if he provides any solid evidence of his self-defense. The defendant can be found guilty if the state proves the claim of self-defense invalid. Many other significant factors have a great impact on the success of defense of self-defense. The circumstance such as who was the initial provoker of the dispute and which one intensified the situation towards a violent clash must also be highlighted while proving self-defense (HG.org)

In broad-spectrum, assault in New York is described as when someone aims to and is a source of harm to someone or an individual, or irresponsibly causes injury to another person during a quarrel.

The people who study victimology have focused on the features of both victims and victim-precipitated crime. The probability of victimization is considerably high among young and unmarried males than their regional corresponding victims; this phenomenon has connection with theories about daily routine activities. The relation between the social structures and the increased rate of victimization has enforced the importance of collective efficacy theory and explained the theory of social disorganization developed further by Shaw and McKay (McDonald). This theory suggests that there is correlation between the victim and the crime that is committed against the victim. So, this theory suits the condition of the victim, as the victim had been drinking and was not able to pay debt. It can be assumed from this fact that the victim was not cautious of his civil duties and cooperative with others.

The personality of an individual is the dynamic organization of the psychophysical structures which control the behavior, characteristics and thinking state of a person (Fleeson and Jayawickreme).

In psychology, traits talk about the ways through which we describe a person. Traits can be behavior of a person like short tempered, extrovert or generous. Trait approach is a significant part of study in psychology which helps in identifying a person’s personality. They are defined as stable characteristics that depict the reaction of a person in certain circumstances. Traits can be identified as central and secondary traits.  Central Traits are the characteristics that form the basic grounds of personality.  Secondary Traits are the traits that are associated with attitudes or partialities.

Jeffery Beckles, due to his short temper, was a part of many quarrels and disputes. His anger issues got him out of control and his response was an abrupt slap to the deceased.

*Defense Argument:*

The defense attorney can present three defense arguments to avoid the charges of negligent homicide on the defendant, Jeffery Beckles.

Firstly, the defendant Jeffery Beckles stated that the victim threatened to him hit with a beer bottle. The victim was under the influence of alcohol and could possibly hit the defendant with beer bottles laying around the house. Thus, it can be stated that the defendant was provoked by the statement of victim. However, there is no witness for the argument.

Secondly, the defendant suffers from the bipolar disease and acts irrationally when upset. According to the defendant’s statement, he has anger issues. However, no psychological reports or assessments of his disorder could be obtained. To pursue this argument in the court, the lawyer needs to present the medical report which confirms that Beckles suffer from mental health issues

Lastly, the defendant had no intent of killing the victim and was in no way aware that the victim would die because of his actions. The day incident happened the victim walked back to his home and seemed fine. There is a probability that if Beckles knew Johnson would suffer from hemorrhage, he would have arranged medical facility for him.

Moreover, according to the medical examiner, Johnson sustained a blunt impact to his head caused by an unknown object most likely due to a fall. The object hit the hematoma, causing acceleration and potential worsening of symptoms he was likely already experiencing.

Mr. Johnson could not have developed the subdural hematoma on the date of the incident. He did not seek any medical attention for the symptoms caused by the hematoma until September 27. The initial cause of the subdural hematoma is unknown. Most hematomas are the result of fall or impact.

Consequent injuries of hematoma escalate the chance of deaths up to 5-10% while patients diagnosed with acute subdural hematoma have death rate around 36-79%. If the victim had received medical help on the day he was hit, he could have been treated and survived. The victim died after he suffered from brain damage and developing pneumonia, which is categorized as personal negligence.

**Conclusion**

According to Section 125.10 of New York Penal Law, an individual or company can be charged for negligent homicide if due to criminal negligence, the death of another person occurs. (*Section 125.10 - Criminally Negligent Homicide, N.Y. Penal Law § 125.10 | Casetext*). This does not require the criminal to have intent to commit murder of the victim.

To summarize the case, the accused, Jeffery Beckles hit victim Tyrone Johnson with the back of his hand and fractured his jaw. The victim, who was probably an alcohol abuser, fell and hit his head on some pointed object. He suffered from bruises and brain hemorrhage. He did not visit the hospital until the next day. He was hospitalized where he developed pneumonia. After six days at the hospital, he died.

For analysis of the case, media alleged actions, client statements, and an autopsy report filed by the attending medical examiner are examined. Research was conducted by reviewing related past cases and penal code for New York. The attorney can defend the accused with arguments based on self-defense and lack of intent.

Thus, from the research, case analysis and discussion, it can be concluded that the defendant is not guilty of negligent homicide under the New York Penal Law. This proves that Ron Giles can successfully defend his client on the charge of criminally negligent homicide.

**References**

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