

Heat of Passion Crimes

Every crime has two parts to it: the guilty action and the guilty intent. To commit a crime, you almost always to have **both** parts at the same time. For example, if you bump into someone on the street by accident, that is not a crime. You did touch them without permission (the crime of battery), but you did not do it on purpose (no guilty intent).

There are also two kinds of criminal intent when it comes to crime: general intent and specific intent. A general intent crime is one where the act of doing it is enough to show you had a guilty mind. For example, if the police find you with a kilo of heroin, they are not going to care why you had it on you. The fact that you had it will be enough to arrest you.

On the other hand, the crime of burglary is a specific intent crime. Burglary is breaking and entering with the intent to commit another crime while inside. If you break into a house because you are drunk, and you think it's your house (and it's not), they might charge you with breaking and entering. They cannot, however, charge you with burglary unless they can show that you intended to do something illegal once you were inside.

When it comes to killing someone, things can get a bit trickier. All deaths caused by another person are considered to be a homicide. Whether that homicide is considered to be murder, manslaughter, or justifiable depends entirely on the circumstances. For example, if you kill someone in legitimate self-defense, then you do not have the necessary guilty intent to make that action a crime. If, on the other hand, you only think that you are acting in self-defense, but the Court does not agree with you, you have committed a crime. In that case, however, the Court will probably find the killing to be manslaughter and not murder.

When it comes to the manslaughter versus murder question, the primary difference comes down to premeditation. Did you think about the killing before you did it, or did it just happen in the heat of the moment? For example, let's say you are drinking in a bar and some guy spills his beer on you. You turn around and shove him because you are angry. He then slips on the spilled beer, falls, hits his head on the pool table, and dies. The police are going to arrest you, and you are going to be charged with manslaughter. Even though you did not intend to kill him, you know that are not supposed to be shoving people. You are responsible for the things that happen as a result of your bad actions.

Now, consider another example. Let's suppose that you are in the bar, the guy spills his beer, you then leave the bar, go home, get your shotgun, and come back to the bar. Then you shoot him. Under those circumstances, the prosecutors will charge you with murder. They will argue that you had enough time to cool off on the drive home from the bar and back. You had time to think about the killing during that time. You will no longer be able to claim you were acting in the heat of the moment. Of course, a good defense lawyer would make a different argument, but that is why we have to have both sides in Court.