Forum 1

**Part 1**

Affirmative defenses are used to raise an issue separate from elements of a crime (Storm, 2012, p. 115). These defenses can be self-defense, duress, and involuntary intoxication. An excuse defense is the basis for affirmative defense that claims the defendant should be excused for their conduct (Storm, 2012, p. 118). These defenses can be mistake by law, voluntary intoxication, and mistake of fact. Despite using these defenses in court, some accused are still convicted of their crimes.

These defenses can be used in court to lessen or mitigate charges against the accused. If looking at a case of self-defense (affirmative), there is no motive.  Instead, the decision to commit the crime is solely to survive the moment and protect oneself.  For example, a woman who is abducted, brutally raped, and tortured kills her abductor after breaking free and escaping.  Due to her mind set on survival, her actions could be excused and she would be relieved of any criminal responsibility.

On the other hand, with a case of voluntary intoxication (excuse), the defense can try and argue the accused had no control or knowledge of his/her actions during the crime. The prosecution can then state the accused had control of their actions prior and decided to become intoxicated. As most states frown on the use of intoxication as a defense, it is usually used to reduce the severity of the crime charged, but not to relieve one of criminal responsibility (Storm, 2012, p. 159).

**Part 2**

Not being able to use duress as a defense for murder seems unreasonable, in my opinion. I do not know of any actual cases, but I have one question that will sum up my stance. Imagine yourself held at gunpoint and being told to kill or be killed.  Would you do it?

An actual example I can give (although fiction) is from Saw (2004). A victim named Amanda was trapped in a head device.  In order for her to get it off, she needed a key.  The key was inside the abdomen of her significant other, so under duress and for survival, she stabbed him over and over until she could fish it out. Although he died, does she belong in prison for a murder charge?

With this hypothetical case and movie scene, I think there are real life situations out there where duress played a big part in decision making.  Although duress may not relieve of criminal responsibility, I think it should still be allowed for defense as it has the ability to shed some light on why and how the crime happened.

Storm, L.M. (2012). Criminal Law. Available from <http://apus.intelluslearning.com/v3/course-widget/1362/#/document/132382187/1/c08e4676cca19439987a8aebdd36c9b2/03a1ef8ef4be969baa644eb0318382f3/browse_published_content/14807/61741/118365/3/lesson/lesson?hideClose=true&tagId=121651&external_course_id=393994&external_course_name=LSTD302%20I001%20Win%2019>

Burg, M. (Producer), & Wan, J (Director). (29 October 2004). Saw [Motion picture]. USA: Lionsgate Films

Forum 2

Hello Everyone,
Affirmative defenses fall under the categories of justification and excuse. Choose one justification defense (self-defense, duress, etc.) and one excuse defense (infancy, mistake of fact, intoxication, etc.). Explain how these defenses can be used at trial. Should these types of defenses relieve a person of his or her criminal responsibility?
Affirmative defense is a defense in which the defendant presents evidence that, if found credible, will have the power to negate the criminal charge and/or civil liability. This annulment still stands even if the defendant is found guilty of the alleged acts committed. According to the Federal Rules of Civil Procedure Rule 56, any party can make a motion for summary judgment on an affirmative defense. Summary judgment is a judgment started by a court for one party against another without the obligation of a full trial. The excuse defense I chose to elaborate on is insanity. Insanity is a credible excuse defense because the defendant pleads to being seriously mentally ill, uncomprehending their actions and thoughts. With this, it can be viewed as a state of madness or having an actual diagnosed disorder that prevents a person from acting and thinking within the norm. In trial, if the defendant is found to be insane, they will be sent to a mental institution for recuperation instead of prison. For justification defense, I choose to explain self-defense. Justification defense, like excuse defense, has an admission to guilt, but with reason. It offers a reason as to why the defendant had done what he or she did. Self-defense is a common justification because it allows the court to see the circumstances in which the defendant was placed in and had no choice but to do what they had done in order to save themselves. I believe that justification defenses should relieve a person of their criminal responsibility but excuse defenses should be held accountable to a certain extent. Simply put, they could be put in light sentencing along with their needed treatment (ex. mental institution, rehabilitation, etc.).
The defense of duress cannot be used in cases of murder. Is this exception reasonable, or are there murder cases where this defense should be allowed?
I believe that defense of duress cannot be used in murder cases is a reasonable exception. Duress is stated to be used to justify an unlawful act. To claim duress, the defendant must show proof that they were in a situation that can cost them their life, and that no other way is present for them to do to save themselves from harm. However, according to the criminal justice system, murder is unnecessary even with duress. Highly injuring a perpetrator is as far as one could go to escape the distressing situation. Of course, all trials are a case by case basis so each should be closely reviewed to make sure there is beyond reasonable doubt.
Thank you for reading!
Zarine
References
Affirmative Defense. (n.d.). Retrieved February 19, 2019, from <https://www.law.cornell.edu/wex/affirmative_defense>
Excuse Defenses, Justification Defenses, and Other Criminal Defense Strategies. (2018, January 30). Retrieved February 19, 2019, from <https://www.dui-criminal-lawyers.com/dsmlaw-blog/excuse-defenses-justification-defenses-criminal-defense-strategies>

Forum 3

Blunt force trauma is caused by or the result of forceful contact with or from a broad or dull-surfaced object resulting in the disruption of tissue integrity (Dudley, 2016). Blunt force trauma is often associated with falls, impacts with dull or broad objects and motorized vehicle accidents that commonly occur during homicides, suicides or accidents. Blunt force injuries separate into three basic categories: abrasion, contusions, and lacerations. These categories nay be present alone or in a combination of injuries that include fractures. The mechanisms of blunt trauma injuries include impacts to the body such as being hit with a bat and the body impacting a surface such as a fall. In a road traffic accident (RTA) the mechanism of injury can be either or both impact and forceful contact. Related factors of RTA blunt force trauma injuries are the mass and speed of the vehicle upon impact, restrained, unrestrained, and ejection from the vehicle (George, 2016). The severity of blunt force trauma is relative to the force of or by the impact and can be equated through the formula F=MA (Force = Mass x Acceleration).

Injuries from blunt force trauma can be either open or closed. Closed blunt force trauma injuries can include simple fracture, visceral lacerations, contusions, and hematomas. Open injuries include scratched or abrasions, avulsions, lacerations and open or compound fractures. Superficial injuries to the mucosal surface or outer layer of skin are known as abrasions. Though small, abrasions are not insignificant. They may be the only sign of foul play as in a fingernail scratch or an abdomen abrasion may indicate serious internal injuries such as a ruptured visceral organ (Dudley, 2016). The second basic category of blunt force trauma injuries is contusions. The medical term contusion refers to a bruise. They are deep injuries to the soft tissue that result in the tearing and rupturing of capillaries and hemorrhage beneath the skin.

In contrast to an abrasion or laceration, contusions may not necessarily appear at the site of impact and are often delayed after impact. Factors that affect contusions are victim age and sex, impact velocity and location and bleeding diathesis. The third basic category of blunt force trauma injuries is lacerations. Lacerations are the tearing of skin and the underlying tissue and are a clear indication of a blunt force trauma. Notable features associated with lacerations include abraded edges, undercutting in the forces direction, and tissue abridging of tissue fibers, blood vessels and nerves. (Dudley, 2016).  In homicide cases, the burning of the victims remains is a method of attempted concealment by the perpetrator. Despite popular belief, study results show that heat exposure does not mask blunt force signatures (Macoveciuc, 2017).

An example of a blunt force injury in a news article was published by C. Suarez Rojas, The Richmond Times-Dispatch on 03 December 2018. The case surrounds the murder trial of 21 year old James Alex Fields Jr. in Charlottesville, Va. where he stand accused in the death of 32 year old Heather Heyer. Fields drove his car into a crowd of protesters resulting in the death of Heyer and the injury of 35 other people. Captain Steward Barrell of the Charlottesville Fire Department told the jury that Heyer had a large contusion on her chest and a laceration on her leg. Her condition at the scene was consistent with cardiac arrest and significant blunt force trauma. The Virginia state assistant medical examiner, Jennifer Nicole Bowers conducted an autopsy of Heyer. She determined the cause of death was a result of blunt force injury to her torso. Heyer suffered injuries including a broken femur and lacerations to her back and legs. The fatal injury was a severed thoracic aorta. Kristin Van Itallie of the Virginia Department of Forensics compared blood samples from the scene of the incident and on the vehicle driven by Fields and made an identical DNA match to Heyer. Fields is charged with first-degree murder.

Reference

Dudley, M. H. (2016). Blunt and sharp force injuries. In Forensic medicolegal injury and death investigation. CRC Press. ISBN: 978-1-4987-3489-9

George, J., Kumar, A., & Nair, A. (2016). A study on pattern of injuries following RTA, Journal of Evidence Based Medicine and Healthcare. 3(78), 4226-4229, doi:10.18410/jebmh/2016/900

Macoveciuc, I., Márquez-Grant, N., Horsfall, I., & Zioupos, P. (2017). Sharp and blunt force trauma concealment by thermal alteration in homicides: An in-vitro experiment for methodology and protocol development in forensic anthropological analysis of burnt bones. Forensic Science International (Online), 275, 260-271. doi:http://dx.doi.org.ezproxy1.apus.edu/10.1016/j.forsciint.2017.03.014

C. Suarez Rojas, The Richmond Times-Dispatch, https://www.fredericksburg.com/news/va\_md\_dc/updated-assistant-chief-medical-examiner-confirms-blunt-force-injury-as/article\_f7390c04-ae94-5583-a495-a8c7c4f0c04c.html, (last accessed 19 February 2018)

Forum 4

There are many causes of blunt force trauma. They can be accidental or intentional. Blunt force trauma requires a lot of force delivered to result in that type of injury. Some causes can be kicking, punching, falling against a table, someone striking another person with an object, and many other causes (CMRJ402). When this does happen, it can result in an open or a closed wound. Bruises tend to formulate a lot, some can end up with an open cut or just a scrape but it just depends on the weapon that was used and the amount of force. This type of injury probably occurs more often than people may think because it could occur after just a fist fight. There are a lot of damages that could result in either minor injuries or more serious ones like death. If someone falls back against the corner of a table very hard then that is a blunt force trauma injury and could result in brain damage or could result in death.

There is one case that occurred earlier this year when a 13-year-old boy climbed a communication tower and fell from it. They did not know how far he fell but it did result in a head injury from blunt force trauma, according to the autopsy reports (KCRG, 2019). There was not much information on this, it did not say if there was anyone else with him but they did not believe there was foul play involved at all.

There was another case that occurred a few years ago in Richmond where a girl was murdered. She was found to have blunt force trauma from blows to the head with a hammer and a liquor bottle (Macenka, 2014). Her body was found a few days after the murder in a ravine so not much forensic evidence was found but they did catch the killers who did end up being family members. It is not that hard to identify some blunt force trauma injuries considering how much of an impact they have. Especially with this case, them using the hammer and swinging it at the back of someone’s head is going to leave an indent on them.

CMRJ402. (n.d). Week 3: Examining the Remains of Injuries. Retrieved from <https://edge.apus.edu/portal/site/393686/tool/1415f8c2-901c-4489-bcfd-df01d56c5b20/ShowPage?returnView=&studentItemId=0&backPath=&errorMessage=&clearAttr=&source=&title=&sendingPage=2794987&newTopLevel=false&postedComment=false&addBefore=&itemId=10196506&path=push&addTool=-1&recheck=&id>=

KCRG. (2019). Officials: Marshalltown teen died from blunt force trauma, no criminal activity involved. Retrieved from <https://www.kcrg.com/content/news/Officials-Marshalltown-teen-died-from-blunt-force-trauma-no-criminal-activity-involved-505089451.html>

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  It is not uncommon for the victim of a blunt force injury in a homicide case to be burned. Homicide perpetrators are known to attempt to burn the victim’s body in an attempt to cover up the evidence of murder. This act is the result of a common misconception. Study results show that heat exposure does not mask blunt force signatures (Macoveciuc, 2017). This is especially relevant when the blunt force make contact with bones and when the fire does not result in a complete incineration of the human remains. This highlights the potential for standardization of bone fracture analysis in burn cases and the handling, crime scene processing and the recording of burned remains at the crime scene and in the mortuary. The information gained from this work could also aid in the investigation into blunt force injuries associated with road traffic accidents (RTA) that involve the vehicle catching fire. In many cases blunt force injuries such as abrasions and contusion may be cancelled by the effects of a fire whereas lacerations may be made more prominent and fractures may be left unchanged by the fire.

Reference

Macoveciuc, I., Márquez-Grant, N., Horsfall, I., & Zioupos, P. (2017). Sharp and blunt force trauma concealment by thermal alteration in homicides: An in-vitro experiment for methodology and protocol development in forensic anthropological analysis of burnt bones. Forensic Science International (Online), 275, 260-271. doi:http://dx.doi.org.ezproxy1.apus.edu/10.1016/j.forsciint.2017.03.014

V/r

Jeff