



INTERNATIONAL SCHOOL
OF LINGUISTS

MURDER OFFENCES

GLOSSARY BUNDLE

Glossary

Murder - the unlawful killing of a human being

Malice Aforethought – the intention to kill or harm. This distinguishes murder from unlawful killing which may come about as a result of an accident at work or as an indirect result of corporate activity.

Unlawful – Not authorized by law as no such law has been passed

Illegal – Forbidden by a law that has been passed.

Act of Law – a piece of legislation/law which has been discussed in the UK Parliament and agreed that it will become Law.

Actus Reus – Latin for ‘guilty act’, an overt act in furtherance of a crime

Mens Rea – Latin for ‘guilty mind’, something which supports the fact that it is wrong to punish someone who has innocently caused harm.

To Convict – Declare a person to be guilty of a criminal offence by verdict of a jury or judge in a Court of Law.

Defendant – A person who has been charged with a criminal offence and brought before a court

Suspect – A person who is reasonably suspected of being involved in a crime, or a person in Police Detention not yet charged with an offence.

The Defence – a general term for whoever is advising and supporting s suspect or defendant with legal advice.

Victim – must have been a ‘person in being’ i.e. a cadaver, a body. This excludes a baby in the womb, who cannot be ‘murdered’ in UK law but is subject to the offence of ‘child destruction’.

Death - A person is legally dead if their brain stem is dead

Act or Omission – deliberately did something, or deliberately did not do something which contributed to the offence.

Aid, Abet, Counsel and Procure – Any person who is found guilty of these is liable to treated as the main offender, i.e. life sentence for murder.

Aid means helping someone commit the crime. Abet means encouraging. Counsel means advising. Procure means directing, i.e. in a position of authority or coercion to instruct people to commit the offence.

Self-defence – there are scenarios where a defence or justification of ‘self-defence’ can be made: defence of oneself; defence of another person; defence of property; prevention of crime; lawful arrest.

Reasonable in the Circumstances - calculated in each individual case

Subjective v Objective – Subjective involves feelings and is open to interpretation. Objective is to be unbiased and have no personal feelings for the matter

Lawfully kill – to kill someone in a way that is authorised in law. e.g. police shooting terrorists, killing someone about to kill you or another person. Also, a person may die as a result of the withdrawal of life support without the doctors being guilty of unlawful killing.

Beyond Reasonable Doubt – the standard of proof used to convict people with crimes in the UK legal system. Based on the evidence which equals or exceeds the interpretation of beyond reasonable doubt, leaving the decision maker firmly convinced of the defendant’s guilt.

Intention (‘malice aforethought’) to kill or to cause grievous bodily harm (GBH). The predetermination to do an unlawful act, especially to kill or seriously injure. Not the same as premeditation which infers deliberate planning and mens rea prior to the offence.

Intention to cause GBH will be sufficient to prove the mental element of murder.

Recklessness – e.g. A person will be convicted of murder if the victim dies as a result of the offender’s unlawful actions – even if they only intended to cause that person serious harm (or did not care if serious harm was caused). Recklessness also involves a test of reasonableness.

Recklessness involves unjustified risk taking on the part of the suspect. There are two types: subjective (where the suspect must have foreseen the risk themselves) and objective (where the risk would have been obvious to a reasonable person) irrespective of whether the suspect saw the risk or not.

Justification as a defence – includes necessity, self-defence or law enforcement.

Excuse as defence – includes duress, entrapment, ignorance of the law, diminished responsibility, provocation, insanity or infancy.

Duress – forced to act against your will

Entrapment – directly persuading an individual to commit crime, which they would not commit in other circumstances. A planned ‘set-up’ by law enforcement to corrupt people in an illegal manner. Ignorance of the law is not a normally a defence.

Diminished responsibility – a defence to murder, where the suspect has to show such abnormality of mind at the time of having unlawfully killed someone, they should be convicted of manslaughter.

Provocation - a preceding set of events which might cause a reasonable person to lose self-control – abolished as a possible defence to murder in 2010. Replaced with ‘loss of control’

Insanity – at the time of the offence, the suspect was so affected by a ‘defect of reason’, from a ‘disease of the mind’. It includes sleepwalking, psychomotor epilepsy, diabetes and arteriosclerosis (hardening of the arteries restricting blood flow) which can cause loss of consciousness and behavioural abnormalities.

Infancy – the offender is below the age of criminal responsibility, i.e. in the UK a child must be 10 years old or more to have the capacity to commit crime

Sentencing – the decision of how long the defendant will spend in prison.

Conviction - the decision that the defendant has committed the offence and is guilty in law.

Mandatory life sentence – this is a sentence which is the only sentence imposed for specific crimes, e.g. murder. Mandatory means required in law or according to rules.

Not ‘life’ in practice – usually around 25 years for an adult

Minimum term - This period of years is called the ‘tariff’ period of the sentence.

Whole life term – the convict will never leave prison until their death.

4 broad sentencing categories for murder

Category 1 – the offender is at least 21 years of age. A life sentence should mean life – a ‘whole life’ order is the starting point.

Category 2 Murder – offender uses a firearm or explosive; the starting point is 30 years if aged 18 or over

Category 3 Murder - offender brings and uses a knife to commit murder; the starting point is 25 years for an offender aged 18 or over

Category 4 Murder - starting point is 15 years for an offender aged at least 18 years

Forensic examination – detailed examination of a person, body or crime scene to discover injuries, signs or marks, which may be used as evidence in an investigation and any subsequent prosecution.

Forensic test – gathering of data for analysis and use in legal proceedings, dependent on legal jurisdictions

Forensic evidence – anything which can be used to determine whether a crime has been committed. It may link a suspect to a scene, corroborate or refute an alibi or statement, identify an offender or victim, exonerate someone, induce a confession or guide further investigation.

Corroborate – supports and confirms something which has been said or alleged.

Refute – to prove that something is not true or inaccurate.

Alibi – a defence offered to a criminal charge, that the accused was somewhere other than at the crime scene at the time it occurred.

Statement – oral or written, which relates the facts according to the provider.

Perpetrator – the person who commits the crime and mostly used in America. In the UK it is more common to use suspect or offender.

Exonerate – to prove that the person accused or charges with an offence is innocent of that offence.

Induce – bring about, cause.

Confession – admission by the accused of committing the offence, oral or written.

Forensic odontology is the application of dental science to legal investigations, primarily involving the identification of the offender by comparing dental records to a bite mark left on the victim or at the scene, or identification of human remains based on dental records.

DNA(deoxyribonucleic acid)

Contamination – allowing external, non-related matter to enter the crime scene, e.g. mud, rain, clothing, dogs.

Cross Contamination – where gathering forensic evidence allows evidence from one item to be mistakenly transferred onto another item e.g. non-sterile or used suits bringing in traces from another scene, dogs bringing in mud, introducing secondary DNA traces which can end up mixed with the original crime scene, unidentified DNA traces which will suggest the presence of an unknown person.

44% of people in the UK have O group blood; 42% have A group blood. The least common groups are B (10%) and AB (4%). 85% of the population are Rh D positive and 15% Rh D negative.

Blood group matching alone is therefore insufficient as evidence.

The relationship between the physical appearance of bloodstain patterns (size, shape, distribution, and location) and the mechanism by which they were created is likely to be used in many murder investigations, especially involving gun shot and weapons induced injury.

Blood Spatter or Blood Stain Analysis involves blood stain classification and terminology.

Injury and wounding and their relationship to bloodstain pattern formation, i.e. does the blood match the weapon or surroundings, has the body been moved, did the murder take place elsewhere.

The effects of surface characteristics on the resulting bloodstain patterns, e.g. walls, paint, wallpaper, floors, floor coverings

The effect of environmental factors on the formation and/or drying time of bloodstain patterns, e.g. indoor heating, open terrain, derelict premises, weather, hard or soft surfaces

Forensic Experts need to show they are knowledgeable in the characteristics of blood dynamics, including drop formation, oscillation, droplet flight paths, accompanying drops and secondary spatter.

Blood Dynamics – the science of how to accurately identify eight blood stain patterns and permutations (calculations and variation)

Drop formation is the science of identifying blood droplet formation from items such as weapons, furniture, walls, as evidence to support what has occurred.

Blood oscillation – accounts for the unreliable variations when blood droplets are not completely spherical (perfectly round)

Weapon – any item which is used to cause harm in the commission of the offence.

Made – specifically manufactured to cause harm, e.g. a sword, a spear, crossbow

Adapted for use – used in a way for which an item was not originally made, e.g. a chair leg as a club, a screwdriver as a knife, a broken bottle.

Intended for Use – anything which is intended to be used as a weapon, e.g. a sharpened screwdriver, a rope.

Dusting for fingerprints – with aluminum powder on non-absorbent surfaces. Any marks are 'lifted' with clear adhesive tape.

Fingerprint identification - Fingerprints, simply put, are the impression of friction ridges located on the surface of the fingers.

Elimination Prints - The controlled recording of friction ridge detail of person(s) (subjects) known to have had legitimate access to an object or location.