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Parenticide



When a person kills a parent: Legal Aspects



PARRICIDE

Roman law:

After being scourged, the delinquents were sewed up in a leathern sack, with a live dog, a cock, a viper, and an ape, and so cast into the sea.

Napoleonic Code of France:

“At place of execution, without any clothes other than his shirt, barefooted, and with his head covered with a black veil. He was then exposed on the scaffold, while an officer of the court read his sentence to the spectators. His right hand was cut off, and he was then put to death.”



PARENTICIDE/MURDER

No common law offence of parenticide.

Murder is not defined by statute.

The definition is based on that in the seventeenth century treatises: Coke's Institutes (Co. Inst. Pt III (1797 ed.), ch. 7, p. 47) as modified.

"Subject to three exceptions, the crime of murder is committed where a person of sound mind and discretion:

- unlawfully
- kills
- any reasonable creature (any human being)
- with intent to kill or cause grievous bodily harm



MANSLAUGHTER

Voluntary manslaughter:

crime is reduced to manslaughter because of:

- loss of control
- diminished responsibility
- death being caused in pursuance of a suicide pact



INSANITY

At the time of committing the act:

- the accused was labouring under such a defect of reason,
- from disease of the mind, as not to know the nature and quality of the act he was doing, or
- if he did know it, that he did not know that what he was doing was wrong.



DIMINISHED RESPONSIBILITY

Abnormality of mental functioning which—

- arose from a recognised medical condition,
- substantially impaired D's ability (1A)
- **(c)** provides an explanation for D's acts and omissions in doing or being a party to the killing.

(1A) Those things are—

- (a)** to understand the nature of D's conduct;
- (b)** to form a rational judgment;
- (c)** to exercise self-control.



TYPES OF PARRICIDE OFFENDERS

1. Severely Abused Adolescent
1. Severely mentally ill parricide offender
2. Dangerously antisocial parricide offender
3. Enraged parricide offender



BATTERED CHILD SYNDROME?

“Battered Woman Syndrome”

Is in British classification of mental diseases

Is capable of founding a defence of diminished responsibility: *Hobson [1998] 1 Cr. App. R. 31, CA.*

No Battered Child Syndrome



PSYCHIATRIC REPORTS

- Take care not to copy a police summary into the report (it likely will then need to be edited).
- Ask for an Advice from Counsel if one has not been provided.
- Be prepared to consider edits to your report; although it is your report.
- Earlier drafts may be disclosable.



THANK YOU

For all you do.....