

QUESTION 11 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK IV

Debbie was sitting on the front porch of a girlfriend's house one afternoon when she saw one of her school classmates, Sally, walking in the street in front of the house. Debbie and Sally were not friends because they were competing for the attention of their college's star quarterback, Hugh. As soon as Debbie saw Sally, she hollered out, "Hey tramp, street walking again?" Debbie and her girlfriend laughed. Sally stopped but said nothing. Debbie then left the porch and stood on the lawn in front of the house. She yelled at Sally again, using the same words. When Sally neither moved nor responded, Debbie came to the edge of the street, still on the lawn, but thought of moving closer. Debbie turned to walk back to the porch, but not before mouthing, "street-walking tramp."

Sally, still having not moved, responded, "Yeah, I'm street-walking -- and I'm walking down the street to see my man Hugh. So don't be callin' him--he'll be busy."

Now incensed that Sally had brought up Hugh, Debbie entered the street and swung her fist at Sally. A tussle began and Sally was getting the better of Debbie. Sensing she would lose, Debbie reached into the back pocket of her jeans, grabbed her metal nail file and plunged it into Sally's throat. Sally died later at the emergency room from the wound.

Debbie is now on trial for homicide. What, if any, level of homicide do you believe Debbie has committed? What is the likelihood Debbie will prevail on a claim of self defense? Explain your answers.

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