

A high school student's teacher told the student that she was going to receive a failing grade in history, which would prevent her from graduating. Furious, she reported to the principal that the teacher had fondled her, and he was fired. A year later, still unable to get work because of the scandal, the teacher committed suicide. The student, remorseful, confessed that her accusation had been false.

If the student is charged with manslaughter, what is her best defense?

- A. She acted under extreme emotional distress.
- B. She committed no act that proximately caused the teacher's death.
- C. She did not act with malice.
- D. She did not intend to cause the teacher's death.

## Explanation:

### Criminal causation

<b>Actual (factual) cause</b>	Single cause – but for defendant's conduct, crime would not have occurred Multiple causes – defendant's conduct was substantial factor causing crime
<b>Proximate (legal) cause</b>	Crime was natural, probable & foreseeable consequence of defendant's conduct

There are two types of **manslaughter**:

**Voluntary** – an *intentional* killing mitigated by adequate provocation (ie, heat-of-passion killing) or, in some jurisdictions, other mitigating factors (eg, imperfect self-defense)

**Involuntary** – an *unintentional* killing committed with criminal negligence or during an unlawful act (eg, misdemeanor manslaughter)

A conviction of either crime requires proof that the **defendant's conduct** was both the **actual ("but for") cause** and **proximate (foreseeable) cause** of the victim's death.

Here, the teacher committed suicide after the student falsely accused him of fondling her. The student would likely be charged with *involuntary* manslaughter since there is no evidence that she intended to cause the teacher's death **(Choice D)**. And though the teacher would not have died but for the student's accusation (actual causation), the student is not guilty of manslaughter if she committed no act that *proximately* caused that death—ie, if the suicide was unforeseeable. Therefore, that is the student's best defense.

**(Choice A)** Extreme emotional distress is not a defense to a crime—but it can be a mitigating factor at sentencing. Here, however, the student's distress at her failing grade would hardly mitigate a false sexual-misconduct report.

**(Choice C)** Malice aforethought is a requirement for **murder**—not manslaughter.

### Educational objective:

A manslaughter conviction requires proof that the defendant's conduct was both the actual ("but for") and proximate (foreseeable) cause of the victim's death.

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