

A man was angry at a coworker who had received a promotion. The man believed that the coworker had taken credit for the man's work and had bad-mouthed him to their boss. One day, as the man was leaving the company parking lot in his car, he saw the coworker walking through the lot. On a sudden impulse, the man pushed the accelerator pedal hard and veered toward the coworker with the intention of scaring him. The coworker tried to jump out of the way but slipped and fell and was run over. Although the coworker suffered life-threatening injuries, he survived.

In a jurisdiction that follows the common law of homicide, could the man properly be convicted of attempted murder?

- A. No, because the coworker's slip and fall broke the chain of proximate causation.
- B. No, because the man lacked the requisite intent.
- C. Yes, because the coworker suffered life-threatening injuries.
- D. Yes, because the man acted with reckless disregard for human life.

### Explanation:

**Attempt** is an inchoate crime that requires proof that a defendant:

had the **specific intent to commit a crime** (eg, murder)  
performed an overt act in furtherance of the intended crime *but*  
did not complete it.

Therefore, **attempted murder** requires proof that the defendant **specifically intended to kill** the victim. This is true even though a *completed* murder can be established without showing an intent to kill—ie, when there is some other type of **malice aforethought**.

Here, the man cannot be convicted of attempted murder because he only intended to scare the coworker—not kill him. But had the coworker died, the man could have been convicted of murder since he acted with reckless disregard for human life (ie, malice aforethought) when he accelerated toward the coworker **(Choice D)**.

**(Choice A)** Causation is relevant to crimes that require the occurrence of a particular result—eg, murder requires that the defendant cause the victim's death. But causation is irrelevant to attempt (and other inchoate crimes) since the intended result need not be completed. Therefore, the man is not guilty of attempted murder regardless of whether the coworker's slip and fall broke the chain of causation.

**(Choice C)** Although the coworker suffered life-threatening injuries, the man cannot be convicted of attempted murder since he lacked the specific intent to kill.

### Educational objective:

Attempt is a specific intent crime. Therefore, attempted murder requires proof that the defendant acted with the intent to kill—no other form of malice aforethought will suffice.

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**Malice aforethought**  
(attempted v. completed murder)

