

Case Brief

Crim law, homicide, depraved heart murder

Hughes, 2/21/15

Identity of Case

People v. Knoller, 158 P.3d 731 (Cal. 2007).

Page 376 of the casebook.

Summary of Facts/Procedural History

Knoller and spouse are holding their convicted clients attack dogs in lieu of payment, and the attack dogs kill someone (big fucking surprise). Prior to this, the dogs had attacked others, had killed several sheep, etc. The vets and the previous owners had both recommended to Knoller that the dogs be put down because they were out of control. Knoller, a 130 pound woman, kept the two attack dogs in her apartment.

Charged at bench trial with manslaughter, state appeals on the basis that judge (it was a bench trial) did not follow the proper instructions for depraved heart murder. Judge's instructions: had to know that dogs would kill someone that day. Actual instructions: had to know that dogs could kill.

Statement of the Issue

What is the proper jury instruction for depraved heart murder by pet?

Holding

Disregarding a substantial risk of death following subjective knowledge.

Reasoning

That day: not necessary. Because the risk could occur at any time, defendants were continually disregarding the risk.

Defendant's appeal on lack of subjective knowledge not successful, because they fucking knew.

Evaluation