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AN INTRODUCTORY PROBLEM

Edward Jones has been arrested and charged with murder for killing his father.

Jones is a 22-year-old community college graduate working as a computer programmer. He was born into a family of considerable emotional and, occasionally, physical violence. His father was an alcoholic who was prone to abuse his family during drinking bouts. As a young child, Jones was often struck harshly by his father and throughout his life saw his father strike and loudly berate his mother. When Jones was 7 years old, his mother sought psychological counseling for him as he alternated between periods of brooding and withdrawal and fits of “acting out” at school. As a young adult, Jones occasionally uses marijuana and has, with increasing frequency, taken prescription opiates simply to get high.

Jones’s father was influenced by fantasies of his wife’s infidelity, and on many occasions, Jones saw his father denounce her for alleged sexual activity. Over the years, the mother received several minor bruises at the hands of her husband, though she never suffered broken bones or other serious physical injuries. Jones’s father had once been a successful salesperson and had provided well for the family, but his income fluctuated wildly with his drinking, and in recent years he had been frequently unemployed. Jones himself gives part of his salary to his mother, but because of the father’s alcoholism and unemployment, his mother, who suffers from arthritis, has had to work full time as a store clerk to help support her younger children. The pressure of work, worry about finances, and the toll of her husband’s frequent denunciations have left Jones’s mother in a state of constant emotional strain.

Jones came home one evening to see his mother in tears. She recounted that Jones’s father had another alcoholic fit and screamed at her wildly and shoved her to the couch. The father then stalked off to a bar. Jones had been brooding angrily over his father lately, frustrated and furious over the miserable life his father had imposed on his mother. This incident brought his anger to a pitch. Shortly after his father returned that evening and skulked sullenly into the den, Jones took his father’s pistol from a drawer and shot his father to death. He immediately called the police but claimed he had been attacked by his father. During a subsequent police interview he admitted to shooting his father and said

his father “deserved to die.”

A psychiatrist examining Jones for the court said that Jones was an extremely neurotic and high-strung young man; that he had accumulated anguished hatred for his father; that he could no longer bear his mother’s suffering; that he was prone to bouts of depression; but that he was perfectly sane by any legal standard of criminal responsibility.

Jones was charged with second-degree murder, defined by state law as “the intentional killing of another, not in immediate self-defense or in defense of another.” Assume for our purposes that the maximum penalty for second-degree murder is life in prison with no presumptive or mandatory period of incarceration. Jones has no prior criminal record.