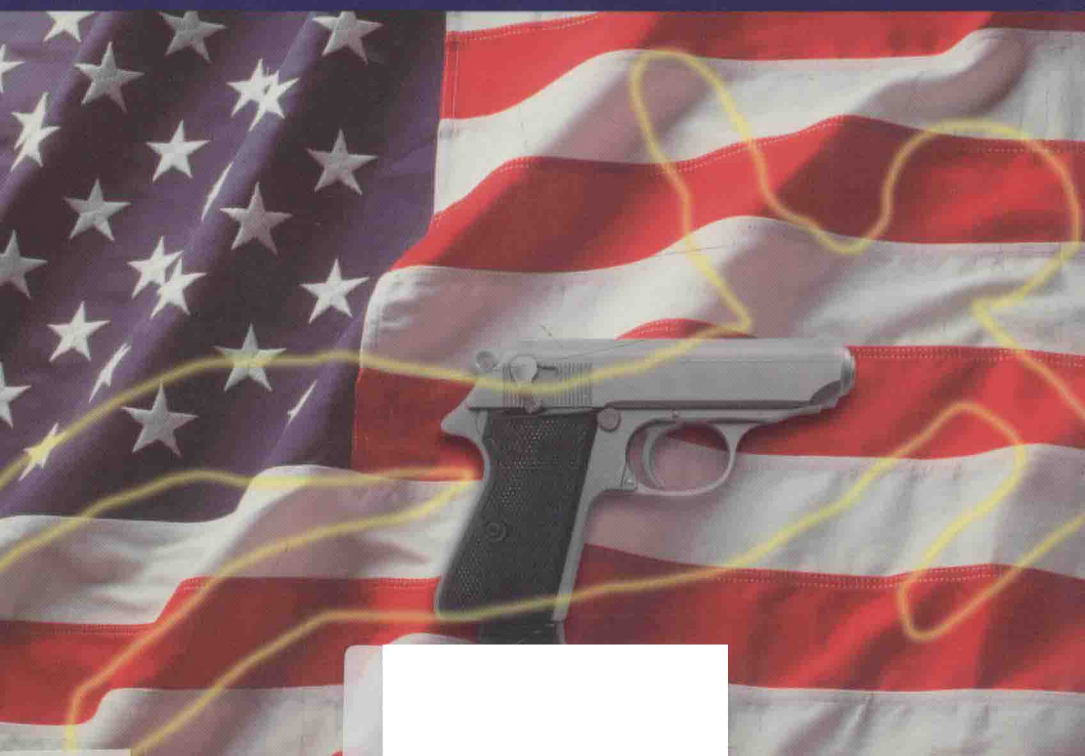


SECOND EDITION

MURDER **IN** **AMERICA**



Ronald M. Holmes
Stephen T. Holmes

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MURDER IN AMERICA

To Tootie—my wife, Steve's mother
To Amy—Steve's wife, my grandkids' mother

PREFACE

Not a day passes when a murder is not reported. Obviously, the more bizarre the murder, the more attention the media devote to it. For example, when the Rafael Resendez-Ramirez case first came to the attention of the public, we, as experts on serial murder, were besieged by requests for television appearances, radio talk show engagements, and interviews, from California to Florida. For a day or two, we were hot property. Murder sells. However, in teaching university classes on homicide, we were somewhat surprised that we could not find an adequate text addressing the various forms of murder that we discussed in class. To this end, we decided to update a text that we wrote several years ago that still suits our purposes and is, we hope, useful, informative, and suitable for various classes at other colleges and universities. Some people might debate the types of homicide discussed, or not discussed, in this book. We have chosen to include the types of murder with which we have become most acquainted in our professional capacities as academicians and authors, and, in the case of the first author, as a deputy coroner. We have had the opportunity to offer assistance to police departments throughout the United States on more than 500 murder and rape cases. Most of these cases involved sexually motivated homicide, occult-related and ritualistic crimes, mass murder, and murder within families. Our choices also reflect the interests of our students, who, over the years, have indicated their desire for information about these forms of homicide. We believe that the types selected deserve special attention and consideration because they are not covered adequately in existing professional and academic publications. Thus, we include chapters that deal with atypical and relatively bizarre homicides, such as serial murder, mass murder, and terrorism and assassination. Other, more common, types of murder are discussed as well, such as murder committed by children, murder of children, partner homicide, and

workplace homicides. The volume is divided into nine chapters that can be read in any order; each chapter is designed to stand alone.

Although we mention theories in passing throughout this book, our focus is on the pragmatic examination of selected forms of homicide, trends, methods, motives, statistics, and other descriptive information. Interested students are encouraged to seek out relevant theories in primary sources that offer more detailed discussion than we can include here. In addition to the numerous journal articles listed in our references, there are many books available, such as Lilly, Cullen, and Ball's (1989) *Criminological Theory: Context and Consequences*, that are valuable resources for serious students interested in pursuing further study of the forms of homicide included in this book.

Of course, no work of this type can be completed without the cooperation and understanding of a large number of people. Despite the obvious danger of forgetting someone when listing important contributors, we are willing to run that risk to thank the following people: Sergeant David Rivers, Metro-Dade (Florida) Police Department; Detective Jay Whitt, Greensboro (North Carolina) Police Department; Dr. Richard Greathouse, Coroner, Louisville, Kentucky; Dr. Eric Hickey, University of California at Fresno; Dr. Al Carlisle, psychologist at Utah State Prison; Dr. George Rush, California State University at Long Beach; Dr. Ed Latessa, James Frank, Frank Cullen, and Larry Travis of the University of Cincinnati; Drs. Bernie McCarthy, David Fabianic, and Elizabeth Mustaine of the University of Central Florida; Dr. Robert Langworthy of the National Institute of Justice, and Jim Massie, parole officer, State of Kentucky.

We also owe a great debt to our students. Their interest, questions, demands, and quizzical expressions keep us on our toes. They also keep us mentally alert and eager for the next class.

Finally, our families—especially our wives—deserve special attention. They are attentive to our interests, although they do not completely understand our enthusiasm for interviewing serial killers, attending autopsies, or visiting homicide scenes. It might be easier for them if our interests were different. Our wives are sometimes reluctant to answer telephones; on more than one occasion, they have answered when serial killers have called from prison, wanting to share some thoughts. To Tootie and Amy go our special thanks.

— Ronald M. Holmes

— Stephen T. Holmes

CONTENTS

PREFACE

ix

1. MURDER IN AMERICA

1

Murder: Definitions

2

Legal Degrees of Murder

2

Manslaughter

3

Justifiable and Excusable Homicide

3

Chances of Being a Murder Victim

6

Guns and Homicide

8

General Typologies of Murderers

10

Conclusion

13

2. SERIAL MURDER

15

Serial Murder Outside the United States

18

Serial Killers in the United States

20

Incidences of Serial Murder

21

The Number of Victims

23

Spatial Mobility and Male Serial Killers

24

Phases in Serial Murder

25

Typology of Male Serial Murderers

27

Traits of Male Serial Killers

31

Motivational Factors

32

Conclusion

34

3. FEMALE SERIAL KILLERS	37
Spatial Mobility and Female Serial Killers	40
Typology of Female Serial Killers	41
Traits of Types of Female Serial Killers	49
Conclusion	51
4. MASS MURDER	53
What Is Mass Murder?	54
Incidents of Mass Murder	56
Classification of Mass Murderers	67
Typology of Mass Murderers	70
Conclusion	78
5. CHILDREN WHO KILL	79
Homicidal Trends Among Youthful Killers	81
The Etiology of the Juvenile Homicidal Offender	85
Youth Killers and School Shootings	88
Treatment of Violent Juvenile Offenders	94
Conclusion	95
6. INTIMATES WHO KILL	97
Statistics on Partner Homicide	99
Perpetrator Profiles	104
The Law and Legal Defenses in Cases of Spousal Homicide	108
Policy Implications	112
Conclusion	113
7. PARENTS WHO KILL	115
The Murder of Children in the United States Today	117
Children as Chattel and Infanticide	119
Typology of the Child Killing Incident	120
Motives for Murdering Children	124
Mothers Who Kill	125
Fathers Who Kill	128
Stepparents Who Kill	129
Discussion and Conclusion	130

8. SEX-RELATED HOMICIDE	133
What Is Sexual Homicide?	134
Elements in Sexual Homicide	141
Lust Murder	144
Conclusion	153
9. MURDER IN THE WORKPLACE	155
Traits of the Disgruntled Employee Mass Killer	157
Conclusion	165
REFERENCES	167
INDEX	177
ABOUT THE AUTHORS	190

MURDER IN AMERICA

CHAPTER 1



Murder: Definitions	2
Legal Degrees of Murder	2
Manslaughter	3
Justifiable and Excusable Homicide	3
Chances of Being a Murder Victim	6
<i>Long-Term Homicide Rates</i>	7
<i>Homicide Trends by Race</i>	7
Guns and Homicide	8
General Typologies of Murderers	10
Conclusion	13

Murder captivates the interest of people all over the world, and no less here in the United States. This interest is reflected not only in our reading habits, but also in popular television programs and Hollywood movies. In the 1991 film *The Silence of the Lambs*, the main character tries to track down a serial murderer by getting inside the mind of convicted killer Hannibal Lecter; this movie became a national hit. The Rambo and Terminator characters and others in action movies further reflect our interest in the world of the violent.

The true character of murder is different from what is depicted in the media—in, for example, the Dirty Harry movies, movies about organized crime figures, and even the “reality programming” genre. In university classes on homicide investigation or the sociology of murder, students are visibly shaken when actual murder scenes are shown and cases discussed. When a teleconference call is made from one of our classes to a serial killer in prison for an interview, the students expect to hear a snarling, rabid mur-

derer. Unexpectedly, he is soft-spoken and articulate—not at all what was expected. Scarcely, however, is murder what is expected.

Murder by children, homicide within the family, serial murder, mass murder, school shooters, murder in the workplace, and other forms of fatal violence are discussed in the chapters in this book. Undoubtedly, these types of homicides are reflective of our changing society, as well as of the changing values and attitudes within society. These changing norms, values, attitudes, and customs are examined here as they relate to acts of homicide.

MURDER: DEFINITIONS

Homicide and murder are synonyms. In an early work, Lunde (1977) defines murder as the unlawful killing of a human being with malice aforethought (Lunde, 1977, p. 3). George Rush, a well-respected criminologist, defines homicide as “any willful killing” (Rush, 2000, p. 162). Our definition of homicide is simple: The unlawful killing of a human being by another human being. Beirne and Messerschmidt (2000) define murder simply as the “willful killing of one human being by another, usually with premeditation” (p. 511). Swanson, Chamelin, and Terrero (1996) define murder as “the killing of a human being by another with malice aforethought” (p. 306). Regardless, it appears that homicide and murder are used interchangeably by people within the criminal justice enterprise.

Many cases of homicide take place during the commission of other crimes. This distinction becomes important when one considers the two major types of murder. The first type is motivated by instrumental gain. Such murders are part of well-planned activities intended to result in the perpetrator’s acquisition of power or property, such as business interests, money, or status. A second type of murder may be called impulsive homicide; it results from sudden action, such as a barroom brawl or other sudden confrontation. In the analysis of these two types of homicides, the location of motivation is the starting point for a discussion and analysis of homicide itself.

LEGAL DEGREES OF MURDER

Typically found in legal discussions of murder is a differentiation between murder in the first degree and murder in the second degree. First-degree murder has two major components: premeditation and deliberation. To qualify

as murder in the first degree, a homicide must be considered beforehand. When attempting to establish first-degree murder, the prosecution must prove to the jury that the act was not spontaneous—that the accused considered the act before carrying it out. The second element is that of deliberation. This means that the murder was planned—even if only momentarily—and that it was not impulsive.

Murder in the second degree contains an element of malice beforehand, but no premeditation or deliberation. The type of malice is also considered in this definition. There are two types of malice: expressed and implied. Expressed malice exists when someone murders another in the absence of any apparent motivation. Implied malice exists when murder results from negligent or unthinking behavior on the part of the perpetrator.

MANSLAUGHTER

Manslaughter is the unlawful taking of a life without malice or the intent to do harm. Voluntary manslaughter results when there is a death but no malice, even though the act is voluntary and the intent is to kill. The lack of malice is what separates this from a case of murder. An example of voluntary manslaughter is a killing committed in the heat of passion, with no planning and no deliberation. Involuntary manslaughter is the killing of another person through some type of negligent behavior. An example is the drunk driver who causes an accident in which another person is killed.

JUSTIFIABLE AND EXCUSABLE HOMICIDE

Another element of homicide is whether the act is considered legally justified—for instance, whether it was committed in self-defense or when otherwise permitted by law (see Table 1.1 for a state-by-state list of allowable circumstances under which citizens may use deadly force in defending themselves or their property). In such cases, the resulting death must be considered unavoidable. When confronted by an armed robber, for instance, an individual is generally considered justified in defending him- or herself with whatever amount of physical force is necessary.

Excusable homicide is the unintentional killing of another human being. There is no malice aforethought and no negligence involved in the act itself,

TABLE 1.1 State Legal Standards Defining Circumstances Under Which Citizens May Use Deadly Force

State	<i>Even If Life Is Not Threatened, Deadly Force May Be Justified to Protect</i>		<i>Specific Crime</i>
	<i>Dwelling</i>	<i>Property</i>	
Alabama	Yes	No	Arson, burglary, rape, kidnapping, robbery in any degree
Alaska	Yes	No	Actual commission of a felony
Arizona	Yes	No	Arson, burglary, kidnapping, aggravated assault
Arkansas	Yes	No	Felonies as described by statute
California	Yes	No	Unlawful or forcible entry
Colorado	Yes	No	Felonies including assault, robbery, rape, arson, kidnapping
Connecticut	Yes	No	Any violent crime
Delaware	Yes	No	Felonious activity
District of Columbia	Yes	No	Felony
Florida	Yes	No	Forcible felony
Georgia	Yes	Yes	Actual commission of a forcible felony
Hawaii	Yes	Yes	Felonious property damage, burglary, robbery, etc.
Idaho	Yes	Yes	Felonious breaking and entering
Illinois	Yes	Yes	Forcible felony
Indiana	Yes	No	Unlawful entry
Iowa	Yes	Yes	Breaking and entering
Kansas	Yes	No	Breaking and entering, including attempts
Kentucky	No	No	Not specified in the statutes
Louisiana	Yes	No	Unlawful entry, including attempts
Maine	Yes	No	Criminal trespass, kidnapping, rape, arson
Maryland	No	No	Not specified in the statutes
Massachusetts	No	No	Not specified in the statutes
Michigan	Yes	No	Circumstances on a case-by-case basis

Minnesota	Yes	No	Felony
Mississippi	Yes	Not specified	Felony, including attempts
Missouri	No	No	Not specified in the statutes
Montana	Yes	Yes	Any forcible felony
Nebraska	Yes	No	Unlawful entry, kidnapping, rape
Nevada	Yes	Not specified	Actual commission of a felony
New Hampshire	Yes	Not specified	Felony
New Jersey	Yes	No	Burglary, arson, robbery
New Mexico	Yes	Yes	Any felony
New York	Yes	No	Burglary, arson, kidnapping, robbery, including attempts
North Carolina	Yes	No	Intention to commit a felony
North Dakota	Yes	No	Any violent felony
Ohio	Not specified	Not specified	
Oklahoma	Yes	No	Felony within a dwelling
Oregon	Yes	Not specified	Burglary in a dwelling, including attempts
Pennsylvania	Yes	Not specified	Burglary or criminal trespass
Rhode Island	Yes	Not specified	Breaking and entering
South Carolina	No	No	Not specified in the statute
South Dakota	Yes	Not specified	Burglary, including attempts
Tennessee	Yes	Not specified	Felony
Texas	Yes	No	Burglary, robbery, theft during the night
Utah	Yes	Not specified	Felony
Vermont	Yes	Not specified	Forcible felony
Virginia	No	No	Not specified in the statute
Washington	No	No	Not specified in the statute
West Virginia	Yes	No	Any felony
Wisconsin	No	No	Not specified in the statute
Wyoming	No	No	Not specified in the statute

SOURCE: Bureau of Justice Statistics (1989), p. 31.

TABLE 1.2 Gender and Victimization of Homicide (in percentages)

Male offender/male victim	65.0
Male offender/female victim	22.3
Female offender/male victim	10.2
Female offender/female victim	2.4

NOTE: Percentages do not sum to 100 due to rounding error.

and the person must be found to have acted in a prudent and reasonable manner, as any other person in a similar situation may have acted.

In the discussion of any type of homicide, the elements of justifiable behavior, manslaughter, and degrees of homicide are always of interest, and we felt it important to introduce the issue briefly here. However, the scope of this book is limited to an overview of some particular types of homicide committed in North America, and, for the most part, our discussion will not be concerned with these other issues.

CHANCES OF BEING A MURDER VICTIM

The U.S. Department of Justice reports that the chances of being a murder victim will vary according to certain circumstances, but that most victims and perpetrators are male. This is illustrated by Table 1.2.

The data contained in Table 1.2 demonstrate the difference in gender and homicide victimization. For example, males account for 75.2% of the victims and are 3 times more likely than females to be murdered. However, this may be interpreted as good news: The rates of victimization for both males and females have reached their lowest point in more than two decades.

The offending rates for both males and females followed the same pattern as victimization rates. Thus, in 1998, males were almost nine times more likely than females to commit murder. Additionally, both male and female offenders were more likely to select male victims than female victims. But there is good news concerning homicide rates over the past several years.

TABLE 1.3 Homicide Trends in the United States, by Selected Years

Year	Homicide Rate	Estimated Number of Homicides
1950	4.6	7,020
1960	5.1	9,110
1970	7.9	16,000
1980	10.2	23,040
1990	9.4	23,400
1998	6.3	16,910

SOURCE: Bureau of Justice Statistics (2000).

Long-Term Homicide Rates

The Bureau of Justice Statistics (BJS) reports that homicide rates recently declined to levels last seen in the late 1960s (see Table 1.3). The data contained in this table show that the homicide rate was at its highest in 1980, with a rate of 10.2 per 100,000 population. It then began a gradual decline in the 1980s with little variation. It reached its lowest rate in 1998 with a rate of 6.3. Where it will go as we move into the new millennium is for the futurists in the criminal justice enterprise to foretell.

Homicide Trends by Race

Racial differences are visible when one examines the homicide rates in the United States. For example, blacks are disproportionately represented among both homicide victims and offenders. In 1998, blacks were six times more likely than whites to be murdered, and seven times more likely than whites to commit murder. The *FBI Supplementary Homicide Report, 1976-1998* states that in 1998 the white population had a victimization rate of 3.8 per 100,000 population. On the other hand, blacks had a victimization rate of 23.0. Table 1.4 illustrates the rate of victimization for both races according to selected years (Federal Bureau of Investigation [FBI], 1999).

In examining the data in this table, it is apparent that the victimization rate is falling for both whites and blacks. It peaked in 1980 and 1990, but