A Doctrinal Analysis of Criminal Responsibility

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Abstract: *This paper analyzes the criminal punishability of A in the case according to the provisions of German criminal law. The content involves the constituent elements of justifiable defense in German criminal law, the wrong understanding of the reasons for illegality and the number of crimes. The analysis process is initially carried out in accordance with the requirements, theories and logical steps of German criminal law case analysis.*

Key words: *criminal punishability; justifiable defense; illegality interdiction cause; cognition wrong; crime number*

Introduction

In the study of German criminal law, the analysis of cases is logical, systematic and formulaic. This paper adopts a similar deduction model to analyze the criminal responsibility of A in the following cases, and analyzes the possible crimes of intentional homicide, intentional injury and negligent death, trying to draw a convincing conclusion.

Facts of the Case

A is a member of the rogue Gang "hell angel". Other members of the gang killed a member of the local flying car party in the fight (A did not participate), which caused the Revenge of the flying car party. A learned from friends of the flying car party that the flying car party wants to kill the members of the "hell angel" or at least cause serious physical injury to the members of the "hell angel", and the flying car party is fully prepared for this, and may attack at any time. Therefore, a pays special attention to preventing possible infringement by the other party, and puts his legally held pistol beside his pillow every night when he sleeps. At the same time, the local police launched a criminal investigation into the extortion committed by another member of the "hell angel". In order to obtain evidence, the police decided to search the residences of several "hell angel" members, including a's residence, but a was unaware of the police action. Although according to the provisions of the criminal procedure law, the corresponding search should be carried out publicly, the police still plan to break into a's house in the early morning, quickly suppress a who holds weapons, and then complete the search.

At 6 a.m. on the day of the crime, the sky was not bright, and there was no light in a's residence. The special operation team of the police lurked to the door of a's residence, and the unlocking expert o began to pry the door lock of a's house. When he was about to pry open, the sound of prying the door woke a. A hearing the sound outside the door, he immediately got up and turned on the light, and looked out through the window, but he didn't see anyone. Although the police lurking outside the door also found that the light was on in the house, they did not stop the original plan, nor did they identify a in the house, but continued to pry the lock. A felt that since the light was on and the other party was still picking the lock, it must not be an ordinary thief, but someone from the flying car party came to the door to seek revenge. Because he was afraid that the other party would immediately break through the door and shoot himself, a shouted at the door, "get out of here!", Randomly hurriedly picked up his pistol and fired two shots at the door lock. The first shot didn't hit anyone, and the second shot hit o in the chest, causing o to die.
Try to analyze the criminal punishability of A.

A Does It Constitute Intentional Homicide?

Conformity of Constitutive Requirements

1. Objective constitutive requirements

"A felt that since the light was on and the other party was still picking the lock, it must not be an ordinary thief. It should be the people of the flying car party who came to the door to seek revenge. Because he was afraid that the other party would immediately break into the door and shoot himself, a shouted at the door," get out! ", Then hurriedly picked up his pistol and fired two shots at the door lock. The first shot didn't hit anyone, and the second shot hit o in the chest, causing o to die. "

The basic fact of this case is that a knows that the other party is unlocking, and the person who unlocked is in the lock position. A shooting at the door lock is shooting at the person who is unlocking the lock. First of all, shooting at a human body will cause high probability of death. Aside from the subjective meaning, from a purely objective point of view, a's shooting behavior can fully comply with the implementation of intentional homicide. O's death was caused by a's shooting. It is almost a natural fact that this conclusion can be reached without invoking any causal theory. Therefore, a's behavior (can) meets the objective constitutive requirements of intentional homicide.

2. Subjective constituent elements

From the perspective of subjective constituent elements, for the purpose of defense, a shoots at the lock position where the unlocking person is located, in order to stop the "infringement" of the other party by causing death and injury. Specifically, from the perspective of cognitive factors, a recognizes all the objective elements related to the crime of intentional homicide. First of all, he realized that his shooting behavior was a high probability of causing death; Secondly, he also realized that his shooting target was the unlocking man behind the door lock, that is, the unlocking man behind the door lock was his shooting target; Again, of course, he also realized that there was a causal process between his shooting and the death of the victim.

Therefore, a's behavior (can) meets the subjective constitutive requirements of intentional homicide.

As a shot at the lock position where the unlocking person is located, he wanted to stop the "infringement" of the other party by causing death and injury. His behavior is the result of deliberately pursuing the death of the victim, so the intention of the subjective constituent elements of a belongs to the first-class direct intention.

Illegality

Because a felt that since the light was on and the other party was still picking the lock, it must not be an ordinary thief, but someone from the flying car party came to the door to seek revenge. Because he was afraid that the other party would immediately break through the door and shoot himself, he carried out the shooting behavior, which had an obvious defensive meaning. In addition, the attack authority of self-defense is the widest, so first, analyze whether a's behavior conforms to self-defense.

1. Objective elements of justifiable defense

(1) Defensive posture

(a) Infringement of interests protected by law. The judgment of defense situation is a purely objective ex post judgment. From this point of view, the infringement that a thinks does not exist. In other words, there is no such situation that people of the flying car party come to seek revenge and pose a serious threat to their personal safety.

However, there is another infringement of legal interests in this case. For a, the peace of his house is certainly protected by the law. Even the police search should be carried out in accordance with the provisions of the law, otherwise it is an infringement of citizens' housing rights, which is illegal. In this case, in order to obtain evidence, the police decided to search the residences of several "hell angel" members, including a's residence. According to the criminal procedure law, the search should be conducted in public. However, the police broke into residence a in the early morning. Obviously, the police's search is illegal, which infringes on a's right to tranquility. All, in this case, there is a fact that a's right to residential tranquility protected by law has been infringed.

(b) Infringement in progress. Ongoing infringement means that the infringement is imminent, has occurred or is still continuing. In this case, the special action team of the police has lurked to the door of a's residence, and the unlocking expert o began to pry the lock of a's door. When he was about to pry open, the sound of prying the door woke a. Once the door lock is pried open, a's right to housing tranquility will be irreversibly violated. It can be considered that the infringement is imminent at this time. It belongs to the first situation where the infringement is ongoing.

(c) Illegality of infringement. Because the police search was not carried out in accordance with the provisions of the criminal procedure law, it was illegal. Objectively, it violates the legal order, and there is no reason for illegal obstruction. The violation does not need to reach the degree of constitutive elements of criminal law,

but only needs to be prohibited by the legal order. The illegal acts of civil law or other public laws belong to the illegality of infringement, and self-defense can also be carried out. The behavior of the police is a violation of the criminal procedure law, which is illegal.

(2) Defensive behavior

(a) Against the infringer. Unlocking expert o is assigned by the police to unlock. For violations of housing rights, all personnel involved in the action, including unlocking expert o, are infringers. A's shooting is aimed at the owner of the action, and the shooting of unlocking expert o certainly belongs to the defense of the infringer.

(b) Necessity of defensive behavior. The necessity of defensive behavior refers to that defensive behavior must be suitable for resisting illegal infringement and is the relatively lightest and mildest defensive means that can be used in defense (Xiao & Zhu, 2019).

First, suitable for resisting illegal infringement. The suitability of defensive behavior means that the measures taken by defensive behavior can either immediately, definitely and finally completely terminate the infringement, or at least hinder the implementation of infringement to a certain extent. Combined with this case, there are two criteria for judging the "suitability" of resisting illegality, one is the prior judgment; Second, judgment after the event. From the perspective of objective facts after engaging, a's shooting behavior can basically immediately, definitely and finally completely terminate the infringement behavior. Because the police just want to complete the search and evidence collection work, not arrest the murderer, that is to say, the police know that their work object is not suspect, but ordinary citizens. When its evidence collection work is resisted by sudden abnormalities, it will certainly stop the work. It can be seen that after engaging in the objective judgment, the defensive behavior is in line with the suitability of resisting illegality; Even from the perspective of pre engagement, even if the defender subjectively believes that the flying car party came to seek revenge, its defense behavior can at least hinder the implementation of the infringement to a certain extent, or from a's point of view, the pre engagement perspective of the shooting defense behavior may increase the difficulty of the implementation of the infringement. Therefore, whether before or after engaging in the defense, the defense behavior is in line with the "suitability" to resist violations.

Second, relatively minor means of defense. The recognition of the necessity of defensive behavior should be based on the facts that the rational third party in the position of the infringed can recognize when the infringement occurs, and should be judged from the perspective of pre engagement.

In this case, a learned from his friends in the flying car party that the flying car party wanted to kill the members of the "hell angel" to which a belongs or at least cause serious physical injury to the members of the "hell angel", in order to revenge his members for being killed by other members of the "hell angel". A is in the fear of being killed at all times. At this time, the police search violated the procedural law that the search should be open, and took an unusual and secret way. Anyone in the position of a has reason to believe that this lock picking behavior will not be a legal law enforcement behavior, nor should it be a thief's theft behavior, but should be the revenge behavior of the reckless "flying car party". This is the premise to consider

the necessity of a's defense means.

The first is the choice of defense means. In this context, what are the defense means a can choose? In other words, a single individual has limited means of defense to choose against the organized Revenge of rogue and evil groups with a clear purpose of killing. From the rational perspective of the third party, I'm afraid there is no more appropriate means except the use of guns for defense. In other words, in this case, the choice of defense means by the defender is unique. According to this theory, when the defender has only one choice, no matter how serious the loss caused by the defensive behavior to the infringer's legal interests, it is the slightest means of defense. Therefore, choosing to use guns for defense is in line with the requirements of the slightest means of defense.

The second is the necessity of using guns for defense. When using guns for defense, generally speaking, the defender must first give a verbal warning to the infringer, and then fire a gun for warning. When these measures are ineffective, he can shoot the infringer. When shooting, try to aim at the hands and feet of the infringer. However, the exception is that if oral warning or warning shots may significantly increase the risk of defense failure according to the specific circumstances of the case, the defender can shoot directly. In this case, under the circumstances at that time, what a can recognize is a person's organized and lethal retaliation against gangs of hooligans and evil forces. From the perspective of any rational third person, the effectiveness of verbal warning and gun warning in the face of such objects and such revenge is greatly questionable! If verbal warning and warning shots are fired, the risk of defense failure may be increased. Therefore, the direct shooting behavior adopted by him is in line with the investigation of the necessity of using guns for defense.

(c) Social ethical restrictions. In German criminal law, justifiable defense is a very "sharp" right, which does not need to avoid infringement and does not consider the balance of interests. In order to avoid causing inappropriate results in specific cases, German judicial precedents and academia have recognized the social and ethical restrictions on defense behavior.

The social ethical restriction directly related to this case is the "principle of proportion", and the introduction of the "principle of proportion" into self-defense has been proved to be completely justified and feasible (Chu, 2020). As for justifiable defense, although the authority of justifiable defense does not consider the balance of interests, it cannot be established when the legal interests protected are completely out of proportion to the legal interests damaged. There are two ways to consider the limitation of the "proportionality principle" in this case. One is the consideration after the fact, that is, according to the judgment after the fact, the legal interest protected is the right to housing security, and the legal interest damaged is the right to life. Are the two out of proportion? The second is the prior consideration, that is, according to the prior judgment, the protected legal interest is the right to life and health, and the damaged legal interest is the right to life. Are the two out of proportion? In the second case, the protected and infringed legal interests of life and health are completely proportional. From the first situation, the answer is not without controversy whether the comparison between the right to tranquility and the right to life of housing conforms to the proportion. The key to the question is whether we should adopt the judgment we can recognize in advance or the judgment of the facts after the event? This paper believes that, from the original intention of the system of social ethics restriction, since the restriction is to prevent the obvious imbalance of the result, that is, to avoid the obvious disproportion

between the protected legal interests and the infringed legal interests, it should be the judgment on the factual level, and the judgment after the fact should be taken. However, this paper believes that due to the fact that legitimate defense does not consider the measurement of interests in essence, the limitation of social ethics should not be over corrected. In other words, unless the legal interest protected is extremely minor and the legal interest damaged is very serious, it should not be recognized as "disproportionate". The criminal law of the crime of illegal intrusion into housing explains with the "backing law" and the "protection law": "the right to housing tranquility" is an important legal interest of citizens that should be protected (Ma, 2014). From the perspective of this case, the right to housing tranquility is a major right of citizens, not a minor right, which is the premise. Since this right is very important to citizens, it should be strictly protected. Even compared with the right to life, the infringement of the right to life in order to protect the right to housing tranquility should not be regarded as such a defensive act "out of proportion".

2. Subjective element of justifiable defense: Defense intention

The establishment of justifiable defense requires that the defender must have the intention of defense subjectively, that is, justifiable defense is necessary to the intention of defense. As long as the number of defense motives can be identified, it is possible to identify the intention of Defense (Yamagata & Wang, 2015). However, there are different opinions on the specific requirements of the meaning of defense.

Viewpoint 1: it is enough as long as the defender believes that there may be a situation of justifiable defense. According to this view, a in this case not only realistically recognizes that the victim is infringing on his right to housing tranquility, but also may recognize that the infringement comes from the killing and injury degree of the "flying car party". Whether before or after the engagement, it is fully defensive.

Viewpoint 2: the defender must realize that there is a situation of justifiable defense, but it is also sufficient. According to this view, a in this case, although the revenge behavior of the "flying car party" with the purpose of killing and injury in his mind does not exist, the "illegal search" carried out by the police not in accordance with the provisions of the criminal procedure law does exist. This illegal search constitutes a violation of a's right to live in peace and a's preparatory behavior of the "flying car party" with the purpose of killing and injury in his mind, Both of them can be reflected in the behavior of "picking locks". In other words, a realistically recognizes that the victim is violating his right to residential tranquility, and there is obviously a situation of justifiable defense, which is also recognized by A.

Viewpoint 3: the defender should not only recognize the objective facts related to justifiable defense, but also act out of the intention of defense. This view is general. There are two reasons to support this view. First, Article 32 of the German criminal law stipulates that "legitimate defense must be established to stop illegal infringement"; Second, if the defender realizes the relevant situation of justifiable defense, but implements the defense behavior in a state of mind that is hostile to the legal norms, it should not be recognized as justifiable defense, because it is not maintaining the legal order. This paper believes that the third view is sufficiently persuasive, because, as a system of "positive" versus "negative", justifiable defense, in addition to protecting legitimate rights and interests and objectively "offsetting" objective illegality, should subjectively offset the illegal elements in the illegal infringement, so the requirement to maintain the legal order subjectively

should be reasonable. According to this view, there are two requirements for the meaning of Defense: one is the understanding of the objective facts related to justifiable defense; Second, the behavior is defensive. The analysis required by the first point is the same as the reason in point 2, that is, a realistically recognizes that the victim is violating his right to residential tranquility, and there is obviously a situation of justifiable defense, which is also recognized by A. The second point requires the actor to have the intention of defense. A at the moment when the door lock is about to be opened, shooting is to stop and defend him from possible violations. Whether such violations are the killing of the "flying car party" in his mind or the illegal search of the police in fact, at least his right to residential tranquility is violated at the moment when the door lock is about to be opened. His shooting behavior implies the defense against the illegal infringement. Subjectively, this behavior is to maintain legal order.

It can be seen that no matter from which theoretical point of view, the defense meaning of a can be affirmed. Moreover, generally speaking, the scale of grasping the meaning of defense is relatively loose, and it is not required that the meaning of defense is the only motive for the actor to implement the behavior. Even if there are motives (such as revenge and shame) at the same time, it does not affect the establishment of justifiable defense.

3. Wrong understanding of illegal obstruction causes

In this case, it is obvious that there is a wrong understanding of the reasons for illegal interdiction. Whether the wrong understanding of the reasons for illegal interdiction belongs to the wrong understanding of facts in China's traditional classification, or the wrong understanding of law, or a new independent type of error, is a controversial issue (Gao, 2014). A learned from friends of the flying car party that the flying car party wants to kill the members of the "hell angel" to which a belongs, or at least cause serious physical injury to the members of the "hell angel", in order to revenge its members for being killed by other members of the "hell angel". A is in the fear of being killed at all times. At this time, the police search violated the procedural law that the search should be open, and took an unusual and secret way. In this case, a mistakenly mistaken the search conducted by the police through secret lock picking as the Revenge of the "flying car party" and implemented defense. This leads to misunderstanding. There are mainly two kinds of cognitive errors related to the reasons for illegal obstruction, one is the allowable error; The second is that the constitutive requirements of permission are wrong.

Allowable error means that the actor has made a mistake in understanding the scope of allowable norms, or the attack authority of illegal obstruction. In this case, a's error is an error in the cause of defense itself, not a mistake in understanding the attack authority. Therefore, this error is not allowed.

The error of the constitutive elements of permission refers to that the actor has made a mistake in understanding the premise facts of the permission norms, that is, the premise facts that constitute the cause of illegal obstruction. In this case, the premise that constitutes the cause of illegal obstruction is the illegal search of the police, not the revenge behavior of the "flying car party". However, due to the extreme abnormality of the police search behavior, a mistakenly thought it was the revenge behavior of the flying car party, mistakenly thought it was the flying car party that wanted to kill the members of the "hell angel"

to which a belonged, or at least cause serious physical injury to the members of the "hell angel" to revenge. It can be seen that the error of a in this case is the allowable constitutive element error. Moreover, the necessary prerequisite for identifying the wrong constitutive elements of permission is that if the perpetrator's understanding is correct, his behavior can establish the corresponding cause of illegal obstruction. According to this rule, if a's understanding is correct, that is, the flying car party really seeks revenge for the purpose of killing, then a's shooting behavior can establish an illegal cause of self-defense. Therefore, it is concluded that the error of a belongs to the allowable constitutive element error.

(1) Handling of allowable constitutive elements errors

There are five theories about how to deal with the errors of the constituent elements of permission. They are "intentional theory", "theory of negative constitutive elements", "strict liability theory", "limited liability theory in a narrow sense" and "limited liability theory pointing to legal consequences". Because the "intention theory" believes that illegal knowledge is a component of criminal intention, while the general theory believes that illegal knowledge is an element of responsibility independent of intention. Because it violates today's general theory, it will not be discussed here. The "theory of negative constitutive elements" is inconsistent with the prevailing three-tier crime constitution system, and it is not cited here. The following cited "strict liability theory", "limited liability theory in a narrow sense" and "limited liability theory pointing to legal consequences" to analyze the allowable constitutive elements errors respectively.

(a) "Strict liability theory". "Strict liability theory" is mostly advocated by purposeful behavior theorists, who believe that blocking the illegal causes does not exclude the appropriateness of the constitutive elements, but only the illegality (Lin, 2012). The theory believes that all problems that lack awareness of illegality, whether prohibited errors, permitted errors, or permitted constitutive elements errors, should be solved at the responsible level, and prohibited errors should be established. Therefore, the allowable constitutive element errors are also handled according to the provisions of Article 17: when the errors can be avoided, the intentional crime is established, and the punishment is only mitigated; When mistakes cannot be avoided, they lack accountability and do not constitute a crime.

In this case, no matter any rational third person is placed in the position of a, they will think that when the light is on, the act of prying the lock continues, which must not be the act of ordinary thieves, and they will not hesitate to think that it is the flying car party that seeks revenge. This paper believes that this error can not be avoided. According to the "strict liability theory", a does not constitute a crime.

From the perspective of the theory itself, it has two advantages: first, it correctly emphasizes that the knowledge of illegality is an independent element of responsibility, which has nothing to do with intention; The second is to correctly recognize that in the three-tier crime constitution system, the allowable constitutive element errors cannot be equal to the constitutive element errors. However, the theory also has a defect: Although the actor failed to recognize the illegality of his behavior under the error of the constitutive elements of permission, at this time, the actor's attitude towards the legal order is completely different from the error of prohibition and the error of permission. In the latter two kinds of mistakes, the actor's value judgment is inconsistent with the legal order; In the allowed constitutive elements, the actor's value judgment

is actually consistent with the legal order, maintaining his loyalty to the legal order, but he fails to recognize the corresponding facts. At this time, it is inappropriate to determine that the perpetrator can establish the completion of intentional crime.

(b) "Limited liability theory in a narrow sense". The theory of limited liability in a narrow sense holds that among the allowable constitutive elements errors, the provisions of Article 16 of the criminal law on constitutive elements errors should be applied by analogy, and it is determined that at this time, the actor cannot establish intentional crime due to the lack of intentional lawlessness. When the error can be avoided, the perpetrator is guilty of negligence. When the error cannot be avoided, the perpetrator is not guilty.

As above, because a's mistake cannot be avoided, according to the "theory of limited liability in a narrow sense", a does not constitute a crime. However, the biggest problem of this theory is that it is not conducive to solving the problem of accomplice, so it is not taken in this paper.

(c) "Limited liability theory pointing to legal consequences". The theory holds that in the allowable constitutive elements, the act committed by the perpetrator still constitutes intentional illegality. However, the actor did not have the mentality of anti legal order, enemy of legal order, or indifference to legal order, so it did not constitute intentional responsibility. In other words, although the actor has the intention of constitutive elements, he does not have the intention of responsibility. Therefore, the actor is not condemned for intentional crime, but can only establish negligent crime at most: when the error can be avoided, the actor establishes negligent crime, and when the error cannot be avoided, the actor does not establish crime.

From the perspective of the theory itself, it has two obvious but advantages: first, it fully considers the actor's mentality of being loyal to the legal norms, and distinguishes the error of constitutive elements, the error of prohibition and the error of allowable constitutive elements; Second, because it distinguishes between lawlessness and responsibility, it can reasonably solve the problem of accomplice in the allowable constitutive elements. Therefore, this paper believes that this theory is the most reasonable theory to solve the error of allowable constitutive elements.

The factual analysis is the same as above. Because a's error cannot be avoided, according to the "theory of limited liability pointing to legal consequences", a does not constitute a crime.

It can be seen that no matter what theory is adopted, a unanimous conclusion is reached on the error of the allowable constitutive elements of this case, that is, a does not constitute a crime.

Number of Crimes (Number of Acts)

In view of the behavior of the perpetrator, it is unnecessary to discuss the number of crimes. However, as the number of acts related to the number of crimes is still a problem that needs to be explained, otherwise, the analysis of the case may not be comprehensive.

In this case, a fired two shots at the door lock. This should belong to the "natural behavior singular". It should

be regarded as an act. Therefore, the two shooting behaviors are not discussed separately in this paper.

"Natural singular behavior" is a group of concepts opposite to "a behavior of natural significance" and "the singular behavior of constituent elements". The "natural singular number of acts" includes two types: the repetitive constitutive element realization act and the continuous constitutive element realization act. The judgment criteria are as follows:

1. Out of a single criminal intent;
2. Implement several behaviors of the same kind;
3. There is a close time and space connection between individual actions;
4. Objectively, the correlation between behaviors can also be identified from the perspective of a third person.

From the perspective of this case, a's shooting behavior is dominated by a single defensive intention, and it is two behaviors of the same kind. There is a close temporal and spatial connection between the two shots. Even from the perspective of a third person, the correlation between his behaviors can be identified. Therefore, there is no doubt that a's behavior belongs to the natural singular behavior. Specifically, it belongs to the repetitive constitutive element realization behavior. Since the distinction between the two is irrelevant to the analysis of this case, it will not be repeated here.

Conclusion

Because a's behavior hinders the violation of the law, it does not constitute a crime (does not constitute the crime of intentional homicide).

A Does It Constitute Intentional Injury Causing Death?

Conformity of Constitutive Requirements

1. Objective constitutive requirements

The constitutive elements of intentional homicide include or involve intentional injury. Therefore, as long as there are objective constitutive elements of intentional homicide, there must be constitutive elements of intentional injury. I won't repeat it here.

2. Subjective constituent elements

It's hard to say that the continuous shooting at the unlocking man behind the door lock was intentional injury. This article believes that it should be regarded as intentional homicide.

Illegality

The analysis of illegal obstruction is the same as above, and will not be repeated.

Conclusion

Because a's behavior hinders the violation of the law, it does not constitute a crime (does not constitute the crime of intentional injury causing death).

A Does It Constitute Negligence Causing Death?

Conformity of Constitutive Requirements

1. Objective constitutive requirements

The objective constitutive requirements of intentional homicide include or include the death caused by negligence. Therefore, as long as the objective constitutive requirements of intentional homicide are met, the objective constitutive requirements of death caused by negligence must be met. I won't repeat it here.

2. Subjective constituent elements

It's hard to say that subjective mentality is a fault to shoot continuously at the unlocking person behind the door lock. This article believes that it should be regarded as intentional homicide. As for whether it constitutes the intention of responsibility, it is discussed at the level of illegality.

Illegality

The analysis of illegal obstruction is the same as above, and will not be repeated. In short, even if it is discussed at the wrong level of illegality cognition, because its mistakes cannot be avoided, it should be recognized as the crime of causing death through negligence without hindering the intentional liability.

Conclusion

Because A's behavior hinders the violation of the law, it does not constitute a crime (does not constitute the crime of causing death through negligence).

In Conclusion, A's Behavior is Innocent

Conclusion: according to the above systematic analysis of the criminal punishability of a, it is concluded that a does not constitute the crime of intentional homicide, the crime of intentional injury and the crime of negligent death.

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