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American history x curb stomp did he die

Let's take a look at the four/five degrees of murder laws in the United States, shall we? (summarised from the Wikipedia page) First-degree Murder: Intentional, premeditated killing. Second-degree Murder: Intentional killing, but not premeditated. (Third-degree Murder: Not a thing in most states, including California where the film takes place) Voluntary Manslaughter: Intentional killing, not premeditated AND performed under circumstances that can "cause a reasonable person to become emotionally or mentally disturbed" Involuntary Manslaughter: Unintentional killing resulting from an intentional or negligent act. The top and bottom of this list are immediately discarded, Derek Vinyard's actions are a response to people attempting to steal his truck so there is no clear premeditation and he also didn't accidentally put his foot down where somebody was resting their head. So the distinguishing factor here is whether or not catching the thieves red-handed is ground enough to "cause a reasonable person to become emotionally or mentally disturbed". Without any further details (e.g. to people who haven't seen the film or the characters in the film making this decision), it would sound pretty reasonable that these are disturbing circumstances that could lead to "cause a reasonable person to become emotionally or mentally disturbed". Of course, that's really not even close to the whole story. Once the actual curb stomp scene rolls around we know Derek's a huge racist, that he blames other ethnicities for the death of his father (and that the truck they were trying to steal used to be his father's). So it is very much in his best interest (assuming the goal is to minimise his sentence) to accept the voluntary manslaughter charge and not have people dig further. The truth did come out about the actual context, but it was way past the verdict (just before he's up for release). So, to summarise my answer: The general shape of the crime matched manslaughter, the details very much matched murder. Of course there are narrative and production reasons for him to only receive a short sentence as well. The scenes that take place after he gets out don't need to take place in a visibly later era, the actors don't really need ageing up, etc. And, definitely intentionally as well, Lamont (who Derek meets in prison and has to spend a lot of time with, and also happens to be black) is in there for six years for assaulting a police officer, illustrating that there is definitely an institutional problem as well. I don't disagree with your post, but....He was charged with "murder", according to the newspaper clipping in Danny's memorabilia box. Derek likely accepted a plea bargain for the voluntary manslaughter conviction. Danny typed in his AHX essay, "It would have been life if I had testified", then deleted it, indicates the prosecutor wasn't reasonably certain that without Danny's testimony he could get a murder conviction. Plea bargains to lesser charges are S.O.P. in CA. The problem is jury nullification. Without Danny's testimony, the "heat of passion" relevance is rather vague, as is the course of events leading to the death. A reasonable defense may be, a fight with an attacker, that lead to the death. A problem for the prosecutor would be to convince the jury this wasn't all one continuous event, with the final blow being arguably excessive. Danny's testimony breaks the "heat of passion" defense, as well as describes the execution, which clearly separates voluntary from involuntary, and may lead to murder 2. It wouldn't be murder, in any case, without evidence of the execution, and removing the heat of passion continuity. Add to that, a jury would not be aware of facts not in evidence (such as we viewing the film and knowing what a jury will never know), thus, no murder conviction. Danny would have been a hostile witness, which are extremely unpredictable, if he were allowed to testify against a sibling, at all. He was a juvenile, as well. His testimony would be very easily impeachable.About the "morality", you are right, IMO. Not justified in any case. It was an execution of a now-deescalated threat. Derek may have been justified shooting him initially, but not justified with killing him afterward. Morality and hatred are only factors during sentencing, after a conviction based on facts in evidence.Now, the driver Derek shot at would have been charged and likely convicted of murder, among the other charges, but not the curb subject's homicide. Felony murder has a very low burden of proof. He was a co-conspirator in the commission of a violent felony, and a death directly related to that crime did occur (the door gunman's). Life is tough, but it's tougher when you're stupid. reply share Few people who've seen American History X — one of Hollywood's bluntest depictions of race relations — would be able to tell you that its disgruntled director, Tony Kaye, demanded to be credited as Humpty Dumpty. Or that the movie was a flop at the box office, taking in just under \$7 million. But what everyone remembers, even more than Edward Norton's swastika tattoos, is the curb-stomping scene. In the gruesome clip (which is too nasty for me to embed here), skinhead Derek Vinyard (Norton) makes a black man named Lawrence bite a curb and then stomps his booted foot on the back of the poor dude's head. Game over. Recently, and for no reason other than morbid curiosity, The Enthusiast tracked down those involved (except Norton, who declined to be interviewed) and compiled an oral history of one of the grisliest cinematic deaths ever devised. David McKenna (writer): I've been approached by hundreds and hundreds of people since the movie came out and they all want to talk about this particular scene. Mike De Luca (studio executive): Because it occurs fairly early in the movie, you haven't really gotten to know Edward Norton's character yet. So the scene itself needed to be so brutal that it told you what you needed to know about him in a fairly economical way. McKenna: I knew I wanted to kill Lawrence in a unique and extremely violent way, to set Edward's character apart from all the others. But to be perfectly honest, I don't know how I came up with the idea of curbing. It's all a blur. De Luca: David told me that he researched hate groups and he came across stories of it. I know it's been used in The Sopranos since, but that was a new one on me. And the phrase curbing? I'd just never been exposed to it before. It's a nasty piece of business. Tony Kaye (director): It took me a long time to find the actor that plays the part of Lawrence. I wanted to find someone with a great face so that it would be even more horrific. Valerie McCaffrey (casting director): We actually auditioned Terence Howard three times. But we knew right off that it would be a hard sell even though we both liked him. Antonio David Lyons Antonio David Lyons (Lawrence): I auditioned. It was definitely one of those moments where you read the script and go, I need to be part of this. McCaffrey: Antonio totally had the look. In the end, we wanted someone that looked more "urban" than Howard, so that it's not something you look at and say, Whoa, what is that guy doing in this movie? Lyons: It was a night shoot. I was really nervous. I didn't know what it would all be like. McKenna: I'm in the makeup trailer talking to Edward Norton. I look to the right and I see the black dude that played the part of the guy that took the brunt of the curb sitting in the makeup chair next to him. So, I start talking to the guy. And then I look more closely and I see that it's a dummy! Edward and I just laughed forever. Kaye: I made a dummy of Antonio's head so that from the wide shot you can see the thing get crunched. It didn't look anything like the actor. It was just a bouncy head thing so you could stomp on it time and time again. Edward Furlong (Danny Vinyard): It was kind of fake looking. But it was still really trippy. I was addicted to playing Clue on that movie, so I was in my trailer with, like, five people sitting around going, "It was Mustard with the wrench in the fucking library." I was actually having fun. And then I walked out and saw them shoot the scene and I remember going, "Wow, that's pretty violent." Kaye: To me, the kind of nerve jangling thing is the close-up of the teeth grazing the curb. Lyons: I was a bit sort of concerned about that. I was, like, "We're in Santa Monica. Dogs walk around and piss on this!" Kaye: I had a rubber curb made so he could get his teeth right onto it. It just seemed to be more palatable for the actor. I wanted to get the teeth to scrape the thing so I could get in really close. Lyons: The truth that you hold in your mind is that somebody is killing you because of the color of your skin. It is a violation of the human spirit. So even up to the last moment, he doesn't go down willingly. The sounds that you hear while Lawrence has his teeth on the curb is me trying to articulate that you can't kill us all. That to me was the crux of the character. De Luca: When we saw the dailies, we cringed and thought, Wow, that's a lot more brutal than it seemed on the page. It's almost more about what you imagine is happening after that foot comes down. But I think Tony staged it and shot it in the most impactful way he could without it being an exploitation movie. McKenna: I remember going to a film festival in Chicago right before the movie had come out. Just watching the build to that scene I could see every head frozen. And then as his foot comes down on the back of the head, every single person in the theater jumped out of his seat at the same time. I knew that this movie would have some lasting power. Kaye: I'm not allowed to say these kinds of things because I was part of it, but I think it's one of the great scenes of Hollywood. Lyons: I couldn't watch that scene the first time I saw the movie. I looked away. And I started crying when I finally saw it. It brings up all those same emotions. De Luca: It wasn't a terribly wide release and the film didn't do very well so it didn't really stir up a hornet's nest. Furlong: Yeah, but that is one fucked up way to go. I try not to think about it too much. If somebody ever wants to curb-stomp me I'm going to do everything I can not to have myself go that way. De Luca: Because it looks painful and maybe you bleed to death depending on how hard the guy stomps down on your head. Your teeth go. I mean, it's not good. McKenna: That and maybe a shark attack would be my least desirable ways to go. Lyons: Well, it's not a good way to go in the sense of a human being. But it's a really kick-ass way to go to be remembered, I'll tell you that. I mean, in a movie. In real life, I want to go while I'm sleeping, preferably on a warm beach somewhere, under a tree, and very old.

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