

Seminar 2, Document 2

Q1.

Isabella Hellmann was Lewis Bennett's wife; they had been married for 3 months, yet had a 2-year old daughter together. Isabella was 41. She was born in Cuba and had become a naturalized American. She probably had a bit of money, as the article mentions her **estate**. She was not very experienced in sailing and had not been trained in emergency sailing procedures. She disappeared while the couple was **at sea** off the Bahamas, during their honeymoon. Her husband had asked her to take control of the boat at night, while he would have some rest. He did not **urge** her to put a life jacket on, or wear a harness or personal locator. As the boat apparently hit something, he woke up and realised his wife was gone. He called for help only 45 minutes later, as he first loaded provisions and stolen antique coins on a life raft. Isabella's body was never **recovered**.

Q2.

Bennett was charged with involuntary manslaughter. The judge gave him a full sentence for that, siding with the prosecutors, i.e.: an eight year prison sentence, and 3 years on supervised release.

Q3.

The defence tried to get 7 years for the accused.

The prosecutors first tried to charge him with murder: he apparently would have tried to sink the boat, unfortunately they could not **gather enough evidence to support that accusation**, so they had to drop these specific charges and **press** involuntary manslaughter charges instead. This was negotiated through a plea agreement.

Q4.

Bennett asked the judge to consider releasing him earlier, in order to enable him to look after his daughter.

Q5.

Bennett was found on a raft with antique coins he had reported stolen; he was experienced in sailing, and knew about safety procedures. He also knew his wife was not as skilled as he was. Yet he asked her to take control of the boat that night, did not require her to wear life/safety equipment. He called for help only 45 minutes after he found out she was missing. His priority was to load the raft with the stolen coins and provisions, to **secure his escape**. Yet the boat was still **afloat**.

Q6. The FBI reported they had found holes in the hull, which could have proven the boat had definitely hit something. However, the investigation showed that the holes had been inflicted from the inside, and hatches had been opened to let the water in and help sink the boat. This was evidence to convince the judge of Bennett's mens rea, hence he was initially charged with murder.

Q7. Bennett's legal team made a plea agreement with the prosecutors, admitting their client was guilty, but negotiating to obtain reduced charges – **downgrading** them from murder to involuntarily manslaughter. The term "involuntarily" means prosecution would forget about Bennett's mens rea, i.e.: they would not try to prove that Bennett had intended to murder his wife. That is the very reason why the sentence was much lighter, resulting in only a few years of imprisonment.