REALIZATION OF RISK AND CRIMES QUALIFIED BY THE RESULT: A COMPARATIVE STUDY OF THE DEVELOPMENT OF BRAZILIAN AND GERMAN JURISPRUDENCE AND DOCTRINE

Leonardo Henrique Gonçalves de Siqueira[1]

Abstract
Crimes qualified by the result have always been the subject of intense doctrinal research, given the difficulties that arise when the attribution of the aggravating result. The debates in Brazil and Germany have followed different paths. While in Brazil the discussion stops at the examination of causality and the subjective type, in Germany, on the other hand, the debate on crimes qualified by the result has developed over the years and has become intertwined with the theory of objective imputation, especially with regard to the creation of a disapproved risk, thus making it possible to understand the imputation of the result as derived from a risk generated by the action of the previous offence and, in this way, raise discussions that, from another perspective, would not even be observed as a legal problem.

Keywords
Criminal law. Crimes qualified by the result. Disapproved risk

Summary

---

[1] LLM. PhD (UFPE - BR). Lecturer (2019-2020) Humboldt-Universität zu Berlin - DE. Professor, Faculdade Damas da Instrução Cristã - BR.

1 INTRODUCTION

Crimes qualified by the result have always generated intense dogmatic and jurisprudential debate, especially on German soil, in an emblematic case decided by the BGH[2] . The importance of the criterion developed - in addition to the important function of limiting the application of the type[3] - allows us to reflect on the very disvalue of crimes qualified by the result in comparison with crimes that do not have the qualifying result[4] . It was the "*der unmittelbare Zusammenhang*" (immediate nexus) criterion - despite being widely criticized for its conceptual imprecision[5] - that allowed this discussion to develop.

In Brazil, however, there has been no more in-depth discussion about the development of a criterion in the country's jurisprudence. Brazilian doctrine has sought to formulate its own theories, without any mention of case law or the resolution given to practical cases. Aníbal Bruno, for example, defends the idea that these crimes are limited to the principle of causality, excluding only fortuitous cases[6].

---

[2] BGHSt., 14, 110 / BGH NJW 1971, 152.

[3] In Germany, the need for restriction was due, among other factors, to the fact that the crime of bodily injury followed by death, provided for in § 227 of the StGB, makes it possible to apply custodial sentences much higher than those provided for in the case of a contest between intentional bodily injury and manslaughter.

[4] In this sense, see: KÜPPER 1999, 785.

[5] KÜPPER 1999, 615.

[6] BRUNO 1967, 76.

Our criminal legislation, more specifically in article 19 of the Brazilian Penal Code, establishes that the typicity of these crimes is not restricted solely to the examination of causality, and that it is essential to prove all the elements of the negligent crime, due to Welzel's finalist system[7] having been the basis for the construction - in fact, the change affects the structure of typicity in general[8] - of this article (and the reform of the general part itself).

Although the aforementioned article 19 requires the subjective element in the aggravating result, lessons such as that of Hungria[9] , in which the causal relationship is a primary factor and the result of death - in the case of bodily injury followed by death - must be caused by the result of the intentional bodily injury[10] , based on a causal split, ended up influencing our jurisprudence and even contemporary decisions.

In Germany, as has been said, jurisprudence was a preponderant and leading factor in the discussion. The "immediate nexus" criterion is imminently evaluative, which at the same time means - taking the teleological-rational functionalism developed by Claus Roxin[11] as

[7] WELZEL 1969.
[8] BRANDÃO 2023.
[9] In this sense, it is possible to see the continuity of Hungria's position in current Brazilian authors. See, for example: BITENCOURT 2010, 97.
[10] HUNGRIA 1979, 361-363.
[11] ROXIN 1973.

its first foundation - that the evaluations must be those submitted to the criminal politics of a Social and Democratic State of Law.

In this sense, it is possible to associate the criterion referred to with the "risk principle"[12] , developed by the German functionalist, especially at the time of the creation of a disapproved risk [13][14] , making clear the perfect symbiosis between Dogmatics (theory) and Jurisprudence (practice). This text does not intend to address the nuances of creating a risk, but by examining the decisions, it is possible to extract a criterion common to all decisions and present in discussions about objective imputation.

The article has been structured, in addition to this introduction, into three more topics, which will address the dogmatic theorizing carried out on national soil and its consolidation in current doctrine and case law; subsequently, the historicity and development of the discussion on crimes qualified by the result will be examined based on the cases decided in the German courts and the underlying doctrine that

[12] ROXIN 1970, 135-136.

[13] The article starts from the assumption that the examination of the theory of objective imputation must be examined from two fundamental pillars, that is, the creation of a disapproved risk and the realization of this risk in the result, as developed in the work of: FRISCH 1988.

[14] On the other hand, there is an important position by Rengier defending the exact opposite, that is, that the aforementioned criterion is harmful, since it ends up evading the debate on the primary issue, the problem of the purpose of protection of the rule between the main offense and the aggravating result: RENGIER 1986, 149.

developed afterwards; and finally, the conclusion will address the state of the art of the study on crimes qualified by the result on Brazilian and German soil, their differences and consequences.

2 THE EVOLUTION OF BRAZILIAN DOCTRINE AND JURISPRUDENCE AND CRIMES QUALIFIED BY THE RESULT: THE CAUSAL RELATIONSHIP AS A CENTRAL ELEMENT

It should be noted that this approach seeks to examine Brazilian decisions, taking our criminal legislation of 1940 as a starting point, up to the present day. On the other hand, due to the greater number of cases, Brazilian jurisprudence is mainly approached from the point of view of the crimes of bodily injury followed by death and robbery, which is done in the same way in the study of doctrine.

About the crime of bodily injury followed by death, the doctrine that preceded the reform of the general part argued that the qualifying result is umbilically related to "(...) the nature of the injury and its effects"[15] . Issues such as the means and manner of execution, or even intent, are left aside. In the same vein, Hungria went so far as to state that if the preceding crime is, for example, a threat or a deed, the result of the death could only be imputed as negligent homicide[16].

[15] BRUNO 1972, 203.
[16] HUNGRIA 1979, 364.

It is clear that the doctrine and decisions of our Courts are in harmony with each other. The decisions that preceded the reform of the general part in 1984 defended the thesis that the aggravating result (death) must be a causal unfolding of the result of the bodily injury inflicted.

In a decision by the Rio Grande do Sul Court of Justice, it is stated that death must result from the preceding injury, i.e. in a pure cause and effect relationship[17] . It is clear to see the influence of the causal system and the theory of equivalence of causal conditions in the response given by the Judiciary.

As for the crime of robbery followed by death, case law follows a similar path. In this case, the decisions state that the death must result from aggression (violence), which is understood as causing the

[17] "*BODILY INJURY FOLLOWED BY DEATH. CAUSAL LINK. THE CONSEQUENCE OF DEATH MUST DERIVE FROM THE PRECEDING BODILY INJURY, AND CAN ONLY BE RULED OUT IF THERE IS AN INTERRUPTION IN THE CAUSAL CHAIN, WHEN IT IS POSSIBLE TO ESTABLISH THE CAUSAL LINK. IF THIS IS NOT DEMONSTRATED, THE RESULT OF DEATH IS RULED OUT. SKULL CONTUSION AND CEREBRAL HEMORRHAGE. SKULL CONTUSION CAN CAUSE CEREBRAL HEMORRHAGE WHICH LEADS TO DEATH. HOWEVER, IF THE VICTIM DIES MANY DAYS AFTER THE CONTUSION, THE CAUSE AND EFFECT RELATIONSHIP BETWEEN THE INJURY AND THE RESULT OF DEATH CANNOT BE ESTABLISHED, WITHOUT PROOF THAT THE RUPTURE OF BLOOD VESSELS RESULTED FROM THE FALL.*" (TJ-RS - ACR: 683038079 RS, Rapporteur: Alaor Antônio Wiltgen Terra, Date of Judgement: 24/11/1983, Second Criminal Chamber, Date of Publication: Diário da Justiça do dia).

aggravating result[18] , i.e. that the violence used generates injuries, and that these produce the death of the agent[19] .

Even after the 1984 reform and the requirement, based on the subjective type, to limit the scope of offenses qualified by the result, current Brazilian jurisprudence maintains this understanding, despite making clear the importance of a more accurate examination of the subjective elements of the typical figure in question. In a specific case, the Paraná Court of Justice - when addressing a possible downgrading of the crime of bodily injury followed by death to manslaughter - stated that:

> "(...) if the result of the injury is death, the preterdolous typicity persists (...) he hit him with a stone, and *from that trauma* the victim died. Thus, once his preterdolous conduct has

[18] "*ROBBERY: BY MEANS OF VIOLENCE AGAINST THE VICTIM, THE ACCUSED REDUCED HER TO THE POINT WHERE SHE WAS UNABLE TO OFFER ANY RESISTANCE. THEN THEY STOLE, INCLUDING HER SHOES. THE VIOLENCE, THE UNSPEAKABLE AGGRESSION, RESULTED IN THE VICTIM'S DEATH. IN POSSESSION OF THE STOLEN OBJECTS, THEY SOLD THEM. CRIME ESTABLISHED. APPEAL DISMISSED.*" (TJ-DF - ACR: 2365 DF, Rapporteur: CANDIDO COLOMBO, Date of Judgment: 12/08/1974, 1st Criminal Chamber, Date of Publication: DJU 14/05/1974 Page: 3.153)

[19] "*RELATIVE NULLITY. THERE IS NO NEED TO SPEAK OF NULLITY WHEN THERE IS NO PROOF OF ANY PREJUDICE TO THE DEFENSE. MURDER. THE CRIME IS EXHAUSTED IN ITS FULLNESS FROM THE MOMENT THE VICTIM IS INJURED AND DIES FROM THE INJURIES.*" (TJ-DF - ACR: 538381 DF, Rapporteur: LÚCIO ARANTES, Date of Judgment: 17/02/1983, Criminal Panel, Date of Publication: DJU 08/08/1983 Pág. : 11.406).

> been configured, the criminal nature of the case is satisfied (...)."[20] (emphasis added)

The Superior Court of Justice has ruled in a similar way, establishing that "(...) the crime of bodily injury followed by death cannot be established if the agent's conduct *was not the immediate cause of* the death, the necessary causal link being absent. (...)"[21] (emphasis added)

The truth is that the central issue in the debate on crimes qualified by the result is still centered on causality, on the cause and effect relationship typical of the natural sciences. Current doctrine also seems to follow the same path, since they argue that - in the case of injury followed by death, for example - it is a preterdolous crime[22] and that it is essential to verify the causality between the bodily injury and the death[23] or, in relation to the crime of robbery, when it is stated that the aggravating result "(...) must necessarily "*result*" from violence (...)"[24] . (emphasis added)

---

[20](TJ-PR - ACR: 6334267 PR 0633426-7, Rapporteur: Oto Luiz Sponholz, Date of Judgment: 04/11/2010, 1st Criminal Chamber, Date of Publication: DJ: 553).

[21] (STJ - AgRg no REsp: 1094758 RS 2008/0209100-6, Rapporteur: Minister SEBASTIÃO REIS JÚNIOR, Date of Judgment: 01/03/2012, T6 - SEXTA TURMA, Date of Publication: DJe 15/10/2012).

[22] BUSATO 2014, 120.

[23] SOUZA 2023.

[24] BITENCOURT 2018, 192.

The development - both in doctrine and in jurisprudence - that took place on German soil was different, as it progressively began to see crimes qualified by the result from a process of imputation, more specifically, from the idea of creating a disapproved risk[25] , which even allows for the possibility of an attempt in the crime of bodily injury followed by death.[26]

3 THE "DIRECT NEXUS" AND CRIMES QUALIFIED BY THE RESULT: OBJECTIVE IMPUTATION AND THE DEVELOPMENT OF GERMAN DOCTRINE AND JURISPRUDENCE

The debate on crimes qualified by the result has been - and still is - the subject of intense doctrinal and jurisprudential discussion in Germany. The cases decided mainly by the BGH have been scrutinized and studied over the years and have generated a prolific body of doctrine on the subject, but still with many open questions, without the necessary clarity and with various divergences and contradictions - including, according to the doctrine [27][28] , in the jurisprudential decisions issued.

---

[25] It is important to note that this is not a unified position in German doctrine. There are important opinions that disagree with the statement made in this text. For example, Rengier defends the idea that the central debate on crimes qualified by the result lies in the general teachings of negligent crime, including the question of the purpose of protection of the norm: RENGIER 1986, 149.
[26] SIQUEIRA 2023.
[27] FERSCHL 1999.
[28] PUPPE 1983. NStZ 1983, 22 - 24.

The starting point is the BGH's creation of the immediate link criterion (der unmittelbare Zusammenhang), which was created and developed on the basis of *Rötzel-Fall*[29] . The case narrates that the accused (man) violently attacked the victim (woman), causing some bodily injuries, including breaking her nose. As the attacks continued, the frightened victim tried to escape through her bedroom window. The attempt was unsuccessful and the victim ended up falling and dying exclusively as a result of the injuries inflicted by the fall.

The question here revolves around the applicable criminal classification, i.e. whether the perpetrator should be held responsible for bodily injury followed by death or be punished for the crime of light bodily injury in conjunction with manslaughter. The difference between the two hypotheses is no small matter, because in Germany, the penalty for the crime qualified by the result can exceed by several years the maximum sentence that would be provided for in the case of a material concurrence of crimes - especially the legislation in force at the time of the facts[30] .

It was therefore essential to create a (de)limiting criterion for these crimes. Along these lines, the BGH, in the aforementioned case,

[29] BGH NJW 1971, 152.

[30] As the penalties are different, it has become generally understood that crimes qualified by the result, in comparison with the concurrence of crimes, have an intensified illicit act, which would legitimize the special penalty framework. In this sense: RENGIER1986, 133.

decided on the concurrence of crimes[31] , on the grounds that the result of a typical interpretation taking into account the meaning and purpose of the criminal type in question is the indispensability of a close relationship between the action of bodily injury and the result of death, i.e. that death results directly (immediately) from an action typically characterized as bodily injury.

Thus the "der unmittelbare Zusammenhang" criterion emerged. However, with it come some doubts and questions. The main point that deserves to be highlighted - in view of the methodological focus proposed by this work - is the discussion as to whether the result of death would derive from the danger in view of the result of the main crime - a position referred to by German doctrine as "Letalitätstheorie" - or whether it would be sufficient for the danger to already result from the action of damaging the victim's integrity.

A large part of German doctrine adopted the theory of lethality, opposing the view of the BGH. For Küpper[32] , this doctrine had a specific historical derivation, because the expression "direct" - or "immediate" - was based on the traditional doctrine that understood a use that in itself caused the death of the agent, which would correspond to an interpretation of the word "direct" (immediate), i.e. death would occur without any additional circumstances.

[31] BGH NJW 1971, 153.
[32] KÜPPER 1999, 619.

In a similar vein, Hirsch[33] argues that the core of the lethality theory would apply to all crimes qualified by the result, since the essence of these crimes does not lie in carrying out the main action, but in the result arising from the risk generated by the main crime.

On the other hand, the BGH has taken a different path in the judgment of several concrete cases[34] . From all these decisions it is possible to extract that the immediate link ("der unmittelbare Zusammenhang") is constructed from the conduct of the main offense[35] , that is, there would be an immediate link when the death derived directly from a risk contained in the action of, for example, damaging the victim's bodily integrity.

A better explanation and concretization of this position is developed in the so-called Hochsitz-Fall[36] . In this case, the BGH ruled that the crime of bodily injury followed by death also exists even when the action of injury alone does not cause the aggravating result, i.e. the result of death only occurs with the addition of other circumstances after the fact. The accused pushed the victim, who was sitting on a bench, from a height of 3.5 meters. The fall caused the victim to break

[33] HIRSCH 1985, 129-131.
[34] BGHSt. 14, 110 - 113 = NJW 1960, 683 - 684 / BGHSt. 31, 96 - 101 = NJW 1982, 2831 - 2832 / NStZ 1997, 341.
[35] WOLTER 1984, 444.
[36] BGHSt. 31, 96 - 101 = NJW1982, 2831 - 2832.

his right ankle. Taken to hospital, the victim underwent surgery to stabilize the fractured bone[37].

Almost a month later, she was discharged from hospital without any guidance on how to proceed at home. Likewise, there was no post-operative treatment. At home, the victim remained almost exclusively in bed. A few days later, she returned to hospital with acute shortness of breath and died the same day. The cause of death was a failure in the cardiovascular system caused by an embolism and inflammatory process in both lungs. The embolism and inflammation developed because the bodily injuries had left the victim ill for a long time. In addition, the victim's cardiovascular system was already suffering from age-related wear and tear [38]

In the lower court (Landgericht), the accused was convicted of dangerous bodily injury, but the BGH reformed the sentence to condemn him to the penalties for the crime of bodily injury followed by death. The BGH argues that the accused was not convicted of the crime of bodily injury followed by death in the lower court because it was not proven that he culpably caused the death of the perpetrator. The question remained - according to the lower court's decision - whether the death was due exclusively or predominantly to the characteristic danger created by the bodily injury inflicted[39] .

[37] BGHSt. 31, 97 = NJW1982, 2831.
[38] BGHSt. 31, 97 = NJW1982, 2831.
[39] BGHSt. 31, 98 = NJW1982, 2832.

In this sense, the LG (Landgericht) also argues that the victim's death occurred due to the addition of decisive and unforeseeable circumstances, such as, for example, the lack of a prescription for the victim to move when returning home. Thus, the prescription of post-operative measures could possibly have prevented the victim's death. As there was an omission of post-surgical medical measures, the result was unforeseeable for the accused and, therefore, the imputation of death would be excluded.

The BGH states that the lower court's reasoning contains legal errors. The crime of bodily injury followed by death should not be examined solely from the perspective of the hypothetical judgment of elimination, but should include in its interpretation the purpose and meaning of the crime, i.e. a close relationship is required between the bodily injury and the death, which would be excluded if the death was not caused directly - immediately - by the bodily injury, but only by the intervention of a third party or an action by the victim himself [40] .

However, this restriction does not mean that we should exclude the application of the crime qualified by the result when death occurs only with the addition of other circumstances. The statute of limitations requires the realization (materialization) of the characteristic danger resulting from the bodily injury in the victim's death, which does not

[40] BGHSt. 31, 99.

depend solely on the result that occurred as a result of the bodily injury, in other words, the scope of use of the respective crime is broader to include dangers that do not derive solely from the result of the actual bodily injury inflicted. Interpreting the type in the opposite direction would disregard the purpose of protecting the rule. Therefore, it is enough that the risk of a fatal outcome is connected to the action of bodily injury and this materializes in the action of injury carried out by the perpetrator[41] .

The BGH also argues that the concrete causal trigger does not lie outside every probability of life - if it did, liability would be excluded - so the danger that is already connected to the action of bodily injury can materialize in the victim's death, even if this danger is not expressed in the first consequences of the damage to the victim's physical integrity[42] .

In the case in point, the accused's action in pushing the victim from a height of 3.5 meters posed a risk of death to the injured party. The danger to life was manifested in the fatal outcome, which does not change even if the victim only broke his ankle, which at first would not have been life-threatening.

According to the BGH, this assertion is supported by the fact that it is not out of the realm of experience that the injury could lead to a

[41] BGHSt. 31, 100.
[42] BGHSt. 31, 100.

situation where its consequences would last over time, which could facilitate the development of an embolism and an inflammatory process in the lungs[43] .

With this position established, it can be said that crimes qualified by the result are part of the discussion carried out by the theory of objective imputation[44] - along the lines created by Roxin and later developed by various authors - especially in the context of the creation of a legally disapproved risk.

It is true that there is a lack of clarity, according to Puppe's critique[45] , about the relationship that must exist between the risk factors - on this point, there would also be a need for greater precision in the definition of suitable and unsuitable risk factors that effectively caused or did not cause the agent's death - and the result of death, so that it can be said that they manifested themselves in the result.

Even with its flaws, the path followed by German jurisprudence can be traced back to the guidelines set out by the theory of objective imputation. The scope of the creation of a legally disapproved risk is the main theoretical support for explaining, justifying and grouping

[43] BGHSt. 31, 101.

[44] In a similar way, but with reservations because the author is particularly concerned with the criterion of the purpose of protection of the rule: RENGIER 1986, 147-148.

[45] PUPPE 1983. NStZ 1983, 22 - 24.

decisions on crimes qualified by the result[46] - despite the importance of the protective purpose of the norm and the typical specificities of the crime provided for in the special part of the Penal Code.

4 CONCLUSION

The differences between the debate on crimes qualified by the result in Brazilian and German criminal law are profound, both in doctrinal and jurisprudential terms. In Brazil, the causal link - understood in the sense of the theory of equivalence of causal conditions - is the predominant fact, although the discussion also encompasses the subjective elements.

In this respect, there has been no progress in deepening the discussions underlying the crimes qualified by the aggravating result. The debate about the different penalties, for example, between the crime of robbery and the material concurrence of crimes between robbery and manslaughter, leads current Brazilian doctrine and jurisprudence to be satisfied with the answer - which is quite traditional[47] - given, that is, that the legislator would have equated, in relation to death in robbery, intent and guilt, due to the seriousness of the penalty applied - especially in comparison with the penalty given for the concurrence between intentional robbery and negligent death.

[46] FERSCHL 1999, 123.
[47] HUNGRIA 1955, 57.

The national response keeps the debate within the limits that have been set and preserved over the years. The same can be said for maintaining the theory of *conditio sine qua non* as the main filter in the approach to the crimes. This view does not allow us, for example, to even observe the possibility of talking about attempted bodily injury followed by death, which has already led us to state that it is unimaginable to talk about this type of crime in the attempted form[48].

The discussion on German soil, on the other hand, was much more fruitful and sought to answer the same questions that were asked in Brazil, but in different ways. The immediate nexus criterion was extremely important in this study, as it allowed for a very different approach to that taken in Brazil, following a path that allowed crimes qualified by the result to be viewed through normative lenses, especially those derived from the theory of objective imputation.

REFERENCES

BGH NJW 1971, 152.

BGHSt. 14, 110 – 113.

BGHSt. 31, 96 – 101.

[48] SIQUEIRA 2023, 14.

BITENCOURT, Cezar Roberto. Tratado de Direito Penal. São Paulo: Saraiva, vol. III, 2018.

BRANDÃO, Claudio. Tipicidade Penal. Belo Horizonte: DPlacido, 2023.

BRASIL. TJ-RS - ACR: 683038079 RS, Relator: Alaor Antônio Wiltgen Terra, Data de Julgamento: 24/11/1983, Segunda Câmara Criminal.

BRASIL. TJ-DF - ACR: 2365 DF, Relator: CANDIDO COLOMBO, Data de Julgamento: 12/08/1974, 1ª Turma Criminal, Data de Publicação: DJU 14/05/1974.

BRASIL. TJ-DF - ACR: 538381 DF, Relator: LÚCIO ARANTES, Data de Julgamento: 17/02/1983, Turma Criminal, Data de Publicação: DJU 08/08/1983.

BRASIL. TJ-PR - ACR: 6334267 PR 0633426-7, Relator: Oto Luiz Sponholz, Data de Julgamento: 04/11/2010, 1ª Câmara Criminal, Data de Publicação: DJ: 553.

BRASIL. STJ - AgRg no REsp: 1094758 RS 2008/0209100-6, Relator: Ministro SEBASTIÃO REIS JÚNIOR, Data de Julgamento: 01/03/2012, T6 - SEXTA TURMA, Data de Publicação: DJe 15/10/2012.

BRUNO, Aníbal. Direito Penal: parte geral. Rio de Janeiro: Editora Forense, tomo II, 1967.

BRUNO, Aníbal. Direito Penal: parte especial I. Rio de Janeiro: Editora Forense, tomo IV, 1972.

BUSATO, Paulo César. Direito Penal: parte especial 1. São Paulo: Editora Atlas, 2014.

FERSCHL, Christine. Das Problem des Unmittelbaren Zusammenhangs beim Erfolgsqualifizierten Delikt. Frankfurt am Main: Peter Lang Gmbh, Internationaler Verlag Der Wissenschaften, 1999.

FRISCH, Wolfgang. Tatbestandsmäßiges Verhalten und Zurechnung des Erfolgs. Heidelberg: C. F. Müller Juristischer Verlag, 1988.

FRISCH, Wolfgang. Objektive Zurechnung des Erfolgs, Juristische Schulung, n.1, 2011.

HIRSCH, Hans Joachim. Der "unmittelbare" Zusammenhang zwischen Grunddelikt und schwerer Folge beim erfolgsqualifizierten Delikt. IN: HERZBERG, Rolf Dietrich. Festschrift für Dietrich Oehler zum 70.Geburtstag. Köln; Berlin; Bonn; München: Carl Heymanns Verlag KG, 1985, p. 111-1134.

HUNGRIA, Nélson. Comentários ao Código Penal. Rio de Janeiro: Editora Forense, vol. V, 1979.

HUNGRIA, Nélson. Comentários ao Código Penal. Rio de Janeiro: Editora Forense, vol. VII, 1955.

KÜPPER, Georg. Unmittelbarkeit und Letalität: Zum Tatbestand der Körperverletzung mit Todesfolge. IN: WEIGEND, Thomas(org.) et al. Festschrift für Hans Joachim Hirsch zum 70. Geburtstag. Berlin: De Gruyter, 1999, p. 615-630.

KÜPPER, Georg. Zur Entwicklung der erfolgsqualifizierten Delikte. Zeitschrift für die gesamte Strafrechtswissenschaft, n. 4, vol. 111, 1999, p. 785-806.

NJW 1960, 683 – 684.

NJW1982, 2831 - 2832.

NStZ 1997, 341.

PUPPE, Ingeborg. Anmerkung zu BGH, Urteil vom 30.06.1982, in: NStZ 1983, 22 - 24.

RENGIER, Rudolf. Erfolgsqualifizierte Delikte um verwandte Erscheinungsformen. Tübingen: J.C.B. Mohr, 1986.

ROXIN, Claus. Gedanken zur Problematik der Zurechnung im Strafrecht. In: Festschrift für Richard M. Honig zum 80. Geburtstag. Gottingen: Verlag Otto Schwartz & Co, 1970, p. 133-150.

SIQUEIRA, Leonardo. Crimes qualificados pelo resultado e imputação penal: um exame sobre a possibilidade da figura da tentativa no crime

de lesão corporal seguida de morte, Delictae: Revista de Estudos Interdisciplinares sobre o Delito, n. 15, v. 8, 2023, p. 7 – 24.

SOUZA, Luciano. Direito Penal. São Paulo: Editora Revista dos Tribunais, vol. 2, 2023. Disponível em: https://www.jusbrasil.com.br/doutrina/direito-penal-vol-2-ed-2023/1916543122. Acesso em: 15 de Junho de 2024.

WELZEL, Hans. Das Deutsche Strafrecht: Eine systematische Darstellung. Berlin: Walter de Gruyter & Co., 1969.

WOLTER, Jürgen. Der "unmittelbare" Zusammenhang zwischen Grunddelikt und schwerer Folge beim erfolgsqualifizierten Delikt, GA, vol. 131, 1984, p. 443 – 451.