

# Course work on classifying crimes

[Health & Medicine](#), [Alcoholism](#)



## **Abstract**

This paper gives an insight to the classification of crimes. It also establishes the employment of doctrines such as Mala Prohibita, Mala in Se, Mens Rea, and strict liability in classifying such crimes. Within the paper, two laws are discussed and analysed as per these doctrines to give a clear picture and distinction of the doctrines.

## **Introduction**

Classification of crime emphasizes the frequently ignored realism that every criminal act differentiates itself. For instance, contract homicide is relatively perceptibly unlike sexual homicide. Therefore, Crime-deciphering deliberations compel investigators to realize the disparities between crimes consistent with the criminal's setting, the crime scene proof, and forensic results. Differentiating crime subtypes which enables assorted law enforcement organs to promote justice.

To be able to punish an offender for a certain crime successfully, it is imperative for him or her to classify the crime according to the nature and background in which it is committed. Grounds for this include understanding the principles of Mala Prohibita, Mala in Se, Mens Rea, and strict liability (Welner, 2001). Legally Mala Prohibita is a phrase employed to depict behaviour that is forbidden by laws, though not intrinsically evil. Mala in Se means Evil in itself. The deed in its very nature is illegal since it contravenes the normal, ethical, or civic codes of a civilized society. Mens Rea means as a constituent of criminal liability, a guilty mind; a guilty or criminal intention; a criminal intent. It means having the Guilty knowledge and wilfulness that is

an individual's responsiveness of the actuality that his or her behaviour is illegal. Strict liability involves crimes, which the criminal is held accountable for an illegal misdemeanour he did, albeit mens rea is missing. Although the accused did not mean any mischief by his deeds and was very ignorant that he was making an unlawful act, the principle of strict liability makes him legally responsible for the criminal deeds committed.

For one to be able to classify crimes, it is imperative there is an insight of cases both common law and state law. In these lines, there are two laws, which will be discussed. They are battery and public intoxication.

## **1. Battery**

This is law found at common law. It is described as a deliberate unpermitted action bringing about destructive or odious contact with the person of another. The penalty for criminal battery is a fine, imprisonment, or both. The subsequent constituents must be proven to ascertain a case for battery:

- (1) An act by a perpetrator;
- (2) Intent to cause destructive or odious contact on the part of the perpetrator
- (3) Destructive or odious contact to the claimant (Welner, 2005)

Mr. X has been married to Mrs. X for three years now. He has just lost his job. There is no other source of income since his wife Mrs. X is a homemaker. They have three kids. Mr. X has a criminal record. He was once convicted of viciously beating his supervisor in college. He has resorted to drinking and comes home very late. Due to this, the married couple relationship has

soared owing to constant confrontation and quarrels. One day, Mr. X comes in drunk as usual but this time as the wife quarrels with him, he viciously beats his wife injuring her arm in the process. On seeing this, he apologizes to the wife. However, the wife hears none of this and takes him to court. Evidence is realized that Mr. X wanted to injure Mrs. X as he always told her he would do so. Besides a bartender of the bar where Mr. X drank that day overheard the perpetrator telling his friends that he was tired of his wife's bickering and he would teach her a lesson she would not forget.

Battery is an instance of crimes that courts have established to be mala in se. Battery is related to the right to have one's body left alone by others. From this scenario, the accused is guilty in that it was established that he had done all the elements of battery:

- An act by a perpetrator
- The defendant did beat the victim
- intent to cause destructive or odious contact on the part of the perpetrator
- Evidence from the bartender and Mrs. X proves that Mr. X had an intent to cause bodily harm to the Victim
- Destructive or odious contact to the claimant
- The hand of the victim was injured through the defendant's act

### **Mala Prohibita or Mala in Se?**

This is a classical case of Mala in Se. It can be classified as a common law for it affects all of civilization. It is also classified among those laws that are

those dangerous to life or limb. Here the guilty person Mr. X caused injury to his wife and as such, the case is classified under Mala in Se.

### **Mens Rea or strict liability?**

This is an act of Mens Rea. The accused, Mr. X, had knowledge of what he had done and he knew it was illegal. Otherwise, why would he apologize? He was remorseful of the deed he had done.

### **2. Public Intoxication**

Public intoxication, drunk and disorderly, is a legal charge claiming that an individual is evidently intoxicated in public. Public Intoxication is habitually a state law. The Public intoxication laws subsist to thwart individuals from distressing others in public. It is also existent to eradicate individuals who emerge to be incapable of stopping themselves from hurting themselves and or others. By description, a public intoxication law frequently has elements, which should be established before finding one guilty:

1. You emerge or appear to be;
2. Intoxicated or under the influence
3. You are in public (Newman, 2004).

Mr. Wekesa is a 34-year-old male who had just celebrated his birthday. He was ambushed in an office surprise party where there were alcoholic drinks. He got intoxicated and yet he was supposed to get to his wife for his annual birthday dinner. He decided to leave the party and took his car. Although he was drunk, he had to get home. On his way, he was stopped by the traffic

police for over speeding and failed the alcohol blow test. He was charged for DUI. He was found guilty and fined because

- You emerge or appear to be
- He was driving recklessly and not steady
- Intoxicated or under the influence
- He failed the alcohol blow test
- You are in public
- He was driving his car in a public road

### **Mala Prohibita or Mala in Se?**

This case is a Mala Prohibita. It is illegal as in prohibited by the laws however it is not intentional an act of evil. Mr. Wekesa did not intend to harm anyone. He was just rushing home to his wife.

### **Mens Rea or strict liability?**

This is a case of strict liability. The defendant was held accountable for a criminal offense he committed. However, Mr. Wekesa did not mean any harm by his deeds and he was very ignorant that he was committing an unlawful act, the principle of strict liability states that he was accountable for the criminal deed committed.

### **References**

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