

# Property and computer crimes



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False imprisonment Michaelk gives the legal definition of false imprisonment as an ized limiting of one’s freedom without legal ity. The phrase ‘ without legal authority’ is deliberately used to mean that some incarcerations may be unwarranted but if they hold legal authority, they cannot fall under the class of false imprisonments. For instance, a police officer may arrest someone in his course to investigate a crime. If that suspect is later acquainted, that does not qualify as false arrest. However, if the contrary takes toll and the victim is imprisoned, it will amount to false imprisonment and though the arresting officer had the legal mandate to make the arrest, it is unjustified. This is a serious implication on the criminal justice system.

False imprisonment may actually start with framing. It corrupts the justice process by trivializing the evidence it is supposed to rely on to give a ruling in the cases before it. It presents no particular harm to the defendant who may falsify the evidence to escape prosecution. On the contrary, it renders the criminal justice system impotent and not capable of instilling justice. Falsifying evidence jeopardizes the criminal justice system, in fact, more than the victim. When that happens, we are only addressing the harm done to the criminal justice system and not the person falsely imprisoned. If one of the basic functions of criminal law is to condemn any conduct that society considers blameworthy, then false imprisonment seriously implicates it (Brenner, 2010).

### Kidnapping

This refers to forcefully seizing a person and taking him/her to a place where he/she is unlikely to be found with the aim of holding him/her for ransom or abducting him/her with the intention of harassing him/her either physically, mentally or sexually, taking him/her hostage and several other reasons

(Legal-explanations. com 2007).

According to Gilmore, kidnapping charges have serious implications on the criminal justice system. While the perpetrator may be sentenced to 15 years, this could potentially yield to a mere three to nine years. This looks like an injustice, considering the immensity of the crime committed.

The criminal justice system involves the filing of charges followed by the issuance of a warrant of arrest then the transmission of an extradition request all which make the process of prosecution. However, each case determines itself. The criminal justice system does not necessarily guarantee the return of the kidnapped child and this may delay and complicate the due process of law. Perhaps this is because it may not be its fundamental interest. This has a notable implication on its reliability. Once the criminal justice system becomes engaged in a case, some of its interests may conflict one another in its bid to apprehend, prosecute and punish those who transgress the criminal law in connection with the kidnapping (Passportsusa. com, 2009).

#### References

Brenner, S. (2010): Framing. Retrieved July27, 2010 from

<http://cyb3rcrim3.blogspot.com/2010/07/framing.html>

Gilmore, I. (2010): Haiti: Missionaries Charged with Child Kidnapping.

Retrieved July27, 2010 from <http://www.globalpost.com/dispatch/the-america/100204/haiti-missionaries-kidnapping>

Legal-explanations. com (2007): Kidnapping <http://www.legal-explanations.com/definitions/kidnapping.htm>

Michaelk (2010): Can I Sue for False Arrest. Retrieved July27, 2010 from

<http://hubpages.com/hub/false-arrest>

<https://assignbuster.com/property-and-computer-crimes/>

Passportsusa. com (2009): Using the Criminal Justice System. Retrieved July27, 2010 from [http://passportsusa.com/family/abduction/resources/resources\\_552. html](http://passportsusa.com/family/abduction/resources/resources_552.html)