

Prosecuting argument paper essay sample



**ASSIGN
BUSTER**

In the case of State v. Stu Dents, the charge of homicide was given because of the items and evidence that the detectives after the murder. Upon a search of Stu Dents home, detectives seized a journal that included entries that were started six months prior to the murder up until the day before the murder taken place. The journal entries discussed rope, rags, and a sharp hunting knife to fulfill his destiny. While in Stu Dents home the detectives also discovered jewelry that belonged to the victim, one piece being a ring that Uma Opee wore on a daily basis. Other evidence included three hundred pictures in a room of the victim stapled to the walls. Also linking Mr. Stu Dents to the crime was an a blue tablet known as ecstasy that had a “ thumbs-up” imprint that was located under a table in the living room of Uma Opee’s residence.

In this case, Mr. Dents was charged with several different crimes. The first being homicide. Mr. Dents was able to be charged with this crime because the elements of the crime were all met. Mr. Dents had intent and deliberately killed the victim, Mr. Dents completed the act of stabbing the victim to death after tying up her arms and legs and stuffing clothes in her mouth. The third element of homicide is causation, the officers on scene were able to prove that Mr. Dents and his actions are what caused victims death. Another charge Mr. Dents received was assault of a police officer because all elements were met with this crime as well. Officer were able to prove beyond reasonable doubt that Mr. Dents had every intent and completed the act of punching the officer trying to place handcuffs on him in the face, the officer felt threatened and had fear of the defendant. The defendant was acting both combative and irrational he was being harmful and offensive to the

officers. By his actions, law enforcement was able to charge him with assault on an officer. Mr. Dents was charged with kidnapping because he unlawfully seized the victim, taking her without her consent and killed her.

Mr. Dents was also charged with possession of controlled substance or paraphernalia. This charged was able to be given to the defendant due to the large amount of ecstasy, cocaine and methamphetamine found in his apartment. Even though his toxicology screen came back that he had no illegal drugs in his system at the time of his arrest, he was still aware that these drugs were in his apartment. All elements to each of the crimes Mr. Dents was charged with were met and able to be proven beyond reasonable doubt. We feel (prosecuting attorneys) that we are obligated to continue pressing forward with charging Mr. Stu Dents with the following crimes. Homicide, assault on a police officer, kidnapping, burglary and possession with the intent to distribute narcotics. According to Nevada State laws a person can be charged with homicide if the defendant commits the act which was premeditated and deliberate in nature or if the killing happened while committing other felonies like kidnapping and burglary (State of Nevada, N. D.). If found guilty of the class A felony the defendant will serve a term of no less than life in prison without the possibility of parole (State of Nevada, N. D.).

In regards to the assault and battery charge on the police officer, Nevada law states that an assault occurs if any person attempts to use physical force against another person and battery is actually carrying out the attempt, such as striking another person, including a police officer (State of Nevada, N. D.). Mr. Dents struck the officer while he was trying to subdue him. If found guilty

of the category B felony Mr. Dents will be subject to doing no less than two and no more than ten years in prison with a 10, 000 dollar fine (State of Nevada, N. D.).

According to California State laws, a person can be charged with kidnapping if they forcibly or by any other means take someone against their will anywhere in the state, country or world (State of California, N. D.). Since Mr. Dents is being charged with kidnapping and homicide the penalty for kidnapping which results in the death of the victim is an automatic life sentence without the possibility of parole (State of California, N. D.).

Mr. Dents is being charged with burglary against Miss. Opee and in the State of North Carolina a person can be charged with burglary if he or she breaks into a home which is not theirs nor had the permission to go into in the first place. Since no one was home at the time Mr. Dents entered her apartment he would be charged with a class G felony which will add between eight and thirty-one months to Mr. Dents sentence (State of North Carolina, N. D.).

In the great State of Ohio, anyone found with narcotics in their homes can be charged with possession with the intent to distribute if he or she has more than the average personal use amount. If found guilty of a felony in the first through fifth degrees Mr. Dents can serve anywhere from six months to eleven years in prison depending on the kinds and amounts of each narcotic found in his apartment (State of Ohio, N. D.). Mr. Dents is being charged with an array of crimes from his murder case such as homicide, kidnapping, and assault on an officer, drug possession, and burglary. After looking at four

different states- Ohio, North Carolina, California, and Nevada. My team has decided that the case would be the strongest in Nevada. When it comes to homicide, every state offered the death penalty, excluding California. The assault on a police officer ranged from 12 months to 6 years throughout all four states but Nevada had the highest average with 4 years being the minimum sentence.

Kidnapping is a very serious charge in three out of our four states. Where California is what seems like lenient with four years, being charged in Nevada would be life behind bars with or without the chance of parole based on the nature of the crimes that was committed at the time of kidnapping. Burglary was also highest in Nevada. The last charge of drug possession does vary based on the amount of drugs a person had. Mr. Dents will receive the highest punishment being charged in the state of Nevada, and our case will also be the strongest there as well. The killing of one human being by the act, procurement, or omission of another human being (Schmallegger, 2010). Enough evidence was obtained to make the arrest of Mr. Dents. The state has now charged Stu Dents with the following: homicide, assault of a police officer, kidnapping, burglary, and crimes related to drugs.

References

State of California. (N. D.). Penal Code 207-210. Retrieved from <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=pen&group=00001-01000&file=207-210>

State of Nevada. (N. D.). Chapter 200 - Crimes against the person. Retrieved from <https://www.leg.state.nv.us/nrs/nrs-200.html#NRS200Sec050>

State of North Carolina. (N. D.). Offenses against the Habitation and other Buildings. Retrieved From http://www.ncleg.net/EnactedLegislation/Statutes/HTML/ByArticle/Chapter_14/Article_14.html

State of Ohio. (N. D.). 2925. 03 Trafficking, aggravated trafficking in drugs..

Retrieved from <http://codes.ohio.gov/orc/2925.03>

<http://www.leg.state.nv.us/nrs/nrs-200.html>

Schmallegger, F. Hall, D. E. & Dolatowski, J. J. (2010). Criminal law today (4th ed.). Upper Saddle River, NJ: Pearson Education.