

Legal citations

Law



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Legal Citations Assignment 5 Question A Jeffrey F. G. (1989). The fact that Gun was unloaded as Affecting Criminal Responsibility, 68 A. L. R. 4th 507. As the Law Division opinion in Spahle sets out, an empty weapon can be seen to be an inoperable gun. New York law and the courts have long been questioning the availability of a defense that has a basis in the unloaded nature of the weapon.

Assignment 5 Question B

McLaughlin v. United States, 476 U. S. 16, 17 (1986).

It is a case in which the Supreme Court of America said that an unloaded gun is a " dangerous weapon". The fact that he had a display of an unloaded handgun in a bank robbery, the petitioner had a conviction under 18 U. S. C. 2113 (d). The act suggests that a gun in itself is a dangerous weapon, whether it is loaded or not loaded.

Assignment 5 Question C

United States v. Garrett. No. 92-2985 Non-Argument Calendar. 3 F. 3d 390 (1993).

James Mathes Garrett had a conviction by the jury of one count of bank robbery. It was in violation of 18 U. S. C. § 2113 (a) and (d). Garrett sentence was a term of incarceration of eight years and one month, followed by forty-eight months of supervised release. In his appeal, Garrett raised several issues that were challenging both his conviction and the sentence. After the court had reviewed the record, the issues were found to be with no merit.

Assignment 9

People v. Sanders, No. 80-2829, 127 Ill. App. 3d 471 (1984) 469 N. E. 2d 287.

The defendant had a conviction for armed robbery and murder and received
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concurrent terms of 50 and 30 years in prison. The Supreme Court held that plain error doctrine did not apply in the case after the defendant raised the issue of unfair judgment. The disposition did not reach all the issues the defendant presented; the Supreme Court had directions to consider those questions.

864 F. 2d 664 United States v. Martinez-Jimenez, No. 87-5305 (1989).

Gilbert Martinez-Jimenez, the defendant, appeals his conviction after a bench trial on one count of armed bank robbery. It was in violation of 18 U. S. C. Sec. 2113 (a) & (d). Martinez contends that the court was wrong in deciding that the toy gun that he had in the bank robbery was a " dangerous weapon" as defined by Act 18 U. S. C. Sec. 2113 (d). The judgment of the district court was right in his decision.

Chapter 7 Assignment 3

United States of America v. Alton Campbell, 845 F. 2d 782 (8th Cir. 1988).

Alton Campbell appealed his conviction of two counts of offering to pay voters in violation of 42 U. S. C. § 1973i (c) (1982). The county judge of Newton County, Arkansas, was acquitted of his crime, twelve counts of vote-buying, one count of voting numerous times, and one count of conspiracy, 18 U. S. C. § 371 (1982). On appeal, the defendant argues that there was no sufficient evidence to support the results of the ballot of Pamela Cross.

Chapter 7 Assignment 3

Cheryl Toney v. Harlean Bouthillier. No. 1 CA-CIV 4805 (1981).

Eugenia Toney was playing on a public sidewalk in Arizona when she was bitten by a German Shepherd dog on September 13, 1976 that is owned by Harlean Bouthillier. The dog had no leash, and it was roaming in the neighborhood Eugenia had to go through several operations. The plaintiff

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argued on the “ Dog bite statute” basis.

References

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Jeffrey F. G. (1989). The fact that Gun was unloaded as Affecting Criminal Responsibility, 68 A. L. R. 4th 507.

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