

Good example of united states of america vs john orr leonard case study

[Law](#), [Evidence](#)



\n[[toc title="Table of Contents"](#)]\n

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1. [Elements of the crime](#) \n \t
2. [Actus Reus](#) \n \t
3. [Mens rea](#) \n \t
4. [Motive](#) \n \t
5. [Defenses claimed by the defense team](#) \n \t
6. [Defense of mistake of fact](#) \n \t
7. [Defense of illegality](#) \n \t
8. [References](#) \n

\n[/toc]\n \n

Elements of the crime

Orr was arrested over an arson charge at a place called Atascadero. In order for the prosecution to prove that he was the person responsible for the crime, the following elements were identified. In this case, the prosecution provided both the Actus Reus and the Mens Rea element in their bid to charge Mr. Orr for the offense. On the Actus Reus section, the following factors were associated with the arson that Mr. Orr was under accusation. The factors included the physical manifestations that placed him on a probability scale of being the mastermind in setting the place ablaze.

Actus Reus

The prosecution allude that, at the time of the incident, Mr. Orr was present at the scene. His presence signaled proximity in the instance of arson that

ensured. Similarly, Mr. Orr was found with instruments that are used in the facilitation of the arson case. Cigarette, cigarette lighters and rubber bands were found in his car during the time when investigations were in the process. The prosecution, therefore, alluded that the accused was the person behind the fire incident. It appeared so because; the prosecution linked the discovered evidentiary materials that likely enabled him to perform the acts that had amounted to an arson crime. The items were contained in a black bag (Harring, 2012). It is hence, plausible that he was to no good. The black color purposed to hide its contents from scrutiny that was likely to disclose his affairs. Mr. Orr had written letters and manuscripts that centrally touched on issues that revolved around the context of arson. His writings had coherent information that reflected his close association with the crime.

Mens rea

Intention

On the other hand, the prosecution proved the Mens rea that facilitated the actions of the accused on the following grounds, the prosecution produced evidence on similar facts which linked the mental position of the accused to the crime a similar incidence that the accused had been previously convicted was resurfaced (Samaha, 2013). In support to this, the prosecution added that the accused had the intention to commit the crime by the fact that he was found in the crime zone with a car that had necessary paraphernalia to achieve his intended purpose.

Motive

Motive was highlighted by the prosecution in its finding that the accused had written letters and books that talked about matters that were pertinent to the crime in question. The reason behind his writing must have been under an actuated desire enshrined in his motive to commit a felony.

The mental element of ascertaining the intention to commit the crime was produced by the prosecution in that, an accused must have been aware that an arson instance was under way as per the findings in his book and writings.

Defenses claimed by the defense team

Orr's defense team placed the following defense as it pertains the arson case:

Defense of alibi

The defense team claimed that, the mere fact that the accused was found in the circumstances of the offense did not mean that he was part of the crime. It reiterated on the prosecutions assertions that the accused was at the crime scene at the time when the arson crime was performed. The defense team stated that, it was unprocedural and unadjectival to implicate him on an offence which relied on past occurrences. It mattered not that, the accused had previously been held culpable of a similar case, he would therefore, unfairly suffer under the same detriment. In their view, it was a recurrence of justice, which in the view of the team; Orr was not responsible for the crime.

Defense of mistake of fact

The prosecution mistakenly handled the issue by taking on board evidence that was not relevant to the matters in controversy. The document and the letters that the defense team relied upon was a representation of mistake on the prosecution side. Similarly, the prosecution had mistakenly linked the accused to the crime. In their reliance, it was argued out that the accused was at the scene of the crime concluding that Mr. Orr was the primary perpetrator would be a misleading instance in the justice process that would lead to a miscarriage in the law.

The defense used by the team that represented Mr. Orr mainly relied on the evidence that was adduced by the prosecution to twist a wave in their allegations. In this instance, it was noted that the defense team claimed that the prosecution had used similar facts evidence which was not admissible in this case as a result of the following observations, taking a similar arson case and directly linking it to the accused as the person responsible for the arson case was inconsistent with guided evidence law and its eventual applicability to the justice system. Similar facts evidence should not be used as the primary evidence in executing convictions on criminals. Instead, it should be used in a corroboratory manner, along the realms of justice; it must be used to add spice and value to the existing evidence which in this regard, no substantial evidence was at play to facilitate its applicability (Emanuel, 2009)

Defense of illegality

Defense of illegality, the defense team leading the accused in the case adduced this defense with respect to the fact that the prosecution team had obtained evidence from the accused in a manner that was not recognized as legal in law. In the United States of America, illegally obtained evidence is exclusionary in nature. It is in practice that, before information which is in the possession or ownership of a person is obtained, the individual must be made aware of that fact. The prosecution in this case made discoveries of a black bag that had items in it. The police had use a wrong manner to get to the roots of directly linking him to the crime.

The defense team further adduced that, the offender in this context was under no obligation by the state to disclose his private documents and information to the public . The police had obtained letters which were in his private possessions, in them, information on how things were carried out in the society, it included events that resonated with arson incidences. An opinion that was written as a result o this expressions would be subjected to unfair grounds to dictate that the accused was the person who had cause fire that burnt up the place and leading to great loss .

The defense team, in their submissions, included that, the accused had been implicated by the prosecution in the root of the case following their reliance on, character evidence which was not good evidence, in the justice system, the US constitution and its subsequent acts in relation to criminal justice dictate that, an accused should never be treated under circumstances that placed him along prejudicial instances. The accused should not be convicted on the assumption that his past criminal record accounted for the kind of a

person they were and will always be, this was the case with Mr. Orr case, his previous actions hence, his character, had made the prosecution bring the court in the light of a side of the accused which was on a disadvantaging front.

The defense team further pointed out that the implication of the accused on the matters at hand was not justifiable aspect because the court in its mandate, failed to ensure that instances of the burden of proof and its related fields were procedurally adhered to. In regard to this case, instead of the court ruling out on the role of the accused in discharging the burden of proof, the court left the opportunity to be utilized by the prosecution, As a result, in the view of the defense team, it follows that, the decision that would likely be arrived at would have been impartial. It all stems from the factual instance that the prosecution will be placed at a better position in the case than the accused.

In the case, the following matters that significantly add up to the justice system as it partakes matters that the constitution protected were discovered.

Miranda warnings which purpose to enlighten the accused as far as crimes are concerned; it was not adhered to in this case. The accused was under protection by law to have been on the receiving angle of information prior to his arrest. Miranda warnings also provided for the grant to the accused of the right to remain silent during the processes. Evidence that is acquired out of duress or undue influence is null and void. Fishing for evidence by the prosecutions was and is not allowed as per the Miranda warnings.

The legal fraternity dictates that searches should only be produced in a

procedural way; it must be done under the production of a warrant by the police. In the case of Mr. Orr, however, the police in their investigations took a personal angle in the issues as opposed to procedural expectations defined by their career (Brody, 2013). In my view, the move to appeal to the court of appeal ruling out the application of a manuscript to be used in evidence was justified. The finding of the court of appeal on the case pertaining the manuscript was that, it was to be revisited by the district court. It was therefore, a sound decision.

On a position that I was the judge, I would make a ruling on the case as follow, as it regards admission of evidence, evidence such as those that are prejudicial to an accused person such as character evidence should be excluded hence had no relevance in this context. However, my strict take on the evidence that the prosecution relied upon, I would still convict Mr. Orr of the crime. It is in reference to the fact that he is slightly linked to the case. He still did not oust the allegations to receive a justified ruling on his favor. On the issue of the manuscript, I would rule that it should not be used as evidence.

References

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