

Criminal conduct and criminal law essay sample

[Law](#), [Crime](#)



Provide a rationale to support your position. Crime has been a part of American history for years and will continue to be for all time. Criminal laws regulate human conduct and tell people what they can and cannot do and, in some instances, what they must do under certain circumstances. Often time's people do not follow the laws that are put into place in order to protect them and that is where crimes tend to be committed. Mens rea is known as a guilty mind; a guilty or wrongful purpose; a criminal intent; Guilty knowledge and willfulness. In criminal law men's rea is the basic principle that a crime consists of a mental element as well as a physical element. A person's awareness of the fact that his or her conduct is criminal is the mental element, and actus reus, the act itself is the physical element. The concept of mens rea started its development in the 1600s in England when judges started to say that an act alone could not create criminality unless it was adjunct with a guilty state of mind. The degree for a particular common law crime varied for mens rea. Murder required a malicious state of mind, whereas larceny required a felonious state of mind.

Men's Rea is generally used along with the words general intent, however this creates confusion since general intent is used to describe criminal liability when a defendant does not intend to bring about a particular result. On the other hand specific intent describes a particular state of mind above and beyond what is generally required and states that specifically what was intended was followed through. To secure a conviction, the prosecution side must prove that the defendant committed the crime while in a certain state of mind. The definition is specified of every crime before a person can be convicted as a prerequisite for mens rea. Direct intent is known as the

normal situation where the consequences of a person's actions are desired. Oblique intent comes in the situation where the consequence is known by the defendant as virtually certain, although it is not desired for its own sake, and the defendant goes ahead with his actions anyway.

If an individual does not have the required mens rea however, has engaged in the actus reus then depending on the case or the circumstances surrounding the case more than likely there is enough room to convict a person of the said crime. When a perpetrator has the proper mens rea they have the intention and the knowledge of the crime that they have committed. For example, if an individual plans to murder his friend for sleeping with his girlfriend then they have the knowledge and the intent to commit the crime. If an individual has a person in their home who was told to leave and refused to leave so they took the opportunity to remove that person from their home and the person swung and hit them so they defended themselves and hit them back and were accused of battery they did not have the required mens rea however they did have actus reus. In this case I do not believe that a conviction would be warranted. When an individual commits a crime most of the time it is based on their intentions when committing the crime however if the individual participated in the act then a conviction of a crime is feasible and warranted.

The amount of time a person will do will or what they will be charged with will be determined by a jury in a court of law. Explain the distinction between diplomatic immunity and legislative immunity. Next, support or criticize the premise that diplomatic immunity is vital for Americans abroad. Diplomatic

immunity is a form of legal immunity that ensures that diplomats are given safe passage and are considered not susceptible to lawsuit or prosecution under the host country's laws, although they can still be expelled.

Parliamentary immunity, also known as legislative immunity, is a system in which members of the parliament or legislature are granted partial immunity from prosecution. It is important for Americans living abroad to have diplomatic immunity because it means that they are not susceptible to all of the punishment that the said country has in place. If there were no diplomatic immunity for those individuals abroad then it is very possible that there would be many more issues that Americans serving in other countries would face. Argue for or against the theory that the courts should not hold a defendant of questionable competency to the standard sentencing guidelines.

When dealing with a defendant with questionable competency you have to take the case and the circumstances into question. There are many people in the world with mental disabilities and some even who will study a disability just so they are able to do less time for a crime that they have committed. If the defendant in question is truly not coherent of the crime they have committed such as murder, robbery, abuse and so forth they should still be held accountable for the actions that they took to commit the crime however, the way in which they are sentence should be based on the severity of the disability they have and done after careful studies are done on the individual determining that there is a disability there in the first place. Identify the four (4) goals of criminal law, and discuss the manner in which these four (4) goals effectuate the purpose of protecting the public and

preventing the conviction of innocent persons. There are several goals that are associated with criminal law. The criminal justice system strives to deter crime every day and come up with ways to deter people from coming in and out of the system.

The four goals of the criminal justice system are to discourage and deter people from committing crimes, protect society from dangerous and harmful people, punish people who have committed crimes and rehabilitate and reform people who have committed crimes. All of the goals of criminal law work in some way to help protect the public and work to prevent future crimes from being committed. The goals of criminal law help to prevent innocent people from being convicted of crimes that they have not committed because of the criminal trial process and the different steps that are taken to come to a determination of who in fact committed the said crime. If an individual is accused of committing any crime they have the right to a fair trial and there has to be enough evidence to produce at the trial in order to obtain a conviction.

However, there have been many times especially in the past when law enforcement had less tools to figure out evidence in a crime where an individual was brought to trial for a crime that they did not commit and were wrongfully accused of the crime because there was plenty of people stating that they were at the scene of the crime however, there was not enough evidence or forensics until years later to realize the person that was convicted had in fact not been guilty of the crime.

CONCLUSION

Crime has and will be a part of American history now and for many years to come. The ways in which people commit crimes will continue to grow especially with all of the technology and resources that are available to them today. The criminal justice system will continue to come up with many ways to deter individuals away from committing crimes however no matter what is done there will always be crime present all over the world it is what the law does about the crimes that are committed and what means they use in order to determine whether or not a person is guilty and should be charged with the crime. The conduct of criminals and the laws that the criminal justice system uses to deter criminals from committing crimes will forever be something that we will study and better for the safety of our communities, to prevent future crimes, and to ensure those who are accused of crimes are done so properly and offered a fair trial.

References:

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