

# U.s. vs. edward hanousek essay examples

[Law](#), [Criminal Justice](#)



## **Criminal law**

In the case U. S. v. Edward Hanousek, Jr., Hanousek is convicted for negligently discharging dangerous quantities of oil into a navigable water way exposing the public to health risks. He however appeals claiming that ordinary negligence should not be interpreted as criminal negligence. The court only had to decide whether Hanousek conduct could be termed as dangerous and whether he acted negligently whether or not it was ordinary or criminal negligence.

The court ruled that Hanousek was guilty of discharging a harmful amount of oil into a navigable water way with due negligence. Subsequently, the court gave Hanousek a sentence of six months in prison, six months in a halfway house and another six months of being supervised while on release. The court also fined Hanousek \$5000 (U. S. v. Edward Hanousek, jr, 1999).

The court argued that it did not have to prove whether Hanousek actions amounted to criminal negligence. It only had to ascertain that Hanousek acted with due negligence thus exposing the public to gross health risks. The court defined negligence as “ the failure to use reasonable care”. A reasonable person according to the court would have realized the dangers that a high oil carrying pipe next to a navigable river could result to a catastrophe in a case where the pipe is demented and oil released into the river.

I agree with the court’s decision that Hanousek did indeed act in a negligent manner and that Hanousek negligence exposed the public to health risks. Prior to Hanousek taking over the project Hunz & Hunz had gone to greater lengths to ensure that the pipeline was protected by covering it with sand

and ballast. Hanousek on assuming responsibility of the project ceased to protect the pipeline. This shows gross negligence if though they did not puncture the pipeline intentionally. They should have at least continued protecting it since they knew its contents and the possibilities of it getting punctured in the course of their activities.

Simple negligence should not be a basis for criminal liability, but then on the other hand, it is a little complex to determine what simple negligence is especially in such a case of U. S. v. Edward Hanousek jr.

## **Reference**

U. S. v. Edward Hanousek, jr. 176 F. 3d 1116 (9th Cir. 1999)