

# [Assaults immediate harm.[4] iii. penalties for assault](https://assignbuster.com/assaults-immediate-harm4-iii-penalties-for-assault/)

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Assaultsand battery basically mean the same thing and eventually prosecuted togetherandit is often paired together as one offense. Thereason for this is, when someone commits battery, they usually have the intentto harm, and threaten the person before committing the physical act and it isthe harmful touching of another. But in fact, they are two separate crimesunder the same umbrella. 1Inmost jurisdictions, assaultand batteryis a crime committed when a person attempts to physically harm another person, and acts in a way that causes the victim to fear that he will be harmed. Whileassault and battery were traditionally classified as two very distinct crimes, modern laws pair them together as one offense.

2Thedefinition for crime of assault itself varies from state to state, but the wordis often defined as an attempt to injure someone else and includes threatsbehavior against others. Batteryis defined as an intentionally touching of, or application of force to the bodyof another person in a harmful or offensive manner, it is always confused withassault, which is merely the act of threatening or placing another person infear. A battery is always preceded by an assault, which is why the two termsare often used transitionally or combined as assault and battery. 3II. HOW THE CRIMEOF ASSAULT AND BATTERY ISCOMMITTEDAssaultand battery occurs when one tries to or does severe injury to another person, or cause injury through use of deadly weapon or may not use weapon but conductthat crime and injures another person.

Itis also done when one tries to or does physically strike another or acts in athreatening manner to put another person in fear of immediate harm. 4III. PENALTIES FORASSAULT AND BATTERYThepenalties and sentence for assault and battery convictions can vary widelydepending on the law of the state where the offense was committed, as well asthe circumstances of each case.

Punishmentsrange from fines to imprisonment, depending on severity of the offense and theoffender’s criminal history. Individualswho are first time offenders may receive more leniencies while those who havean extensive criminal record or repeated instances of violent conduct or thosethat have been involving in such crime may receive stiffer penalties. 5III.

1. PENALTIES FOR ASSAULT ANDBATTERY IN RWANDAAccordingto Rwandan law as it is written in the penal code, if assault and batteryresult from lack of foresight and precaution, the offender will be liable to aterm of imprisonment of eight(8) days to two(2) months and a fine of onehundred thousand (100, 0000) to five hundred thousand (500, 000) Rwandan francs. 6Anyperson who committed aggravated assault and battery and intentionally causesinjuries to another or beats or any serious act of violence against anotherperson is liable to a term of imprisonment of six (6) months to two(2) yearsand a fine of one hundred thousand (100, 0000) to five hundred thousand(500, 000) Rwandan francs. If the offender has acted with the ambush, thisperson is liable to term imprisonment of two (2) years to three(3) years and afine of one hundred thousand (100, 0000) to five hundred thousand (500, 000)Rwandan francs. 7 III.

2. EXAMPLE OF A CASE ON ASSAULTAND BATTERYAn example of a case on assault and battery is thecase of a professional footballer who sexually assaulted a twenty-six yearsold, police officer Rebecca Sledge 8Thecase of MUNYANTORE Celestin who was accused of committing assault and batteryagainst NYIRAHABIMANA Placidia that later led to death. Itis said that MUNYANTORE Celestin committed a crime that is punished by thearticle 151 of law no 01/06/2017of 02/05/2012 constituting the penalcode and the accused pled guilty to the case against him because he acceptedthat he pushed NYIRAHABIMANA and fallen down. So, this means that he should bepunished according to the law that punishes assault and battery in Rwanda9IV. TYPES OF ASSAULT AS A SINGLE CRIMEAssaultas a crime itself which is the attempts to physically harm another person, andacts in a way that causes the victim to fear that he will be harmed has gotsome types and such types include the following: Felonious assault, this refers to an unlawful attack or attempted attack, accomplished throughforce or violence that causes physical injury to another person. This type ofassault involves the use of weapons and/or serious injury. If a weapon is used, an attack is deemed a felonious assault even if no injury occurs.

But thereneed not be a weapon for this designation. Ifa serious injury occurs due to an assault using hands, fists, or feet, it isalso deemed a felonious assault. Therefore, both serious resulting injuries andthe use of weapons are triggers for a felonious assault. Assaultand battery is an example of a felonious assault. This is a type of incidentthat results in actual contact made and creates a need for medical attention tothe victim. Simple assault: thistype of assault occurs when a weapon is not used and the resulting injuriesthat are caused to the victim are not too serious or minor in nature. Physical assault: thisis where an assault committed causes fear by threatening, such as prior to thecommission of a murder or aggravated assault. Aggravated assault: this is committed when a person uses a weapon and/or an amount of increasedforce against another person.

Sexual assault; this type of assault occurs when one uses force against the will of the victim, resulting in a rape, molestation, sodomy or similar sexual offense. Verbal assault:  this is a type of non-physical, oral assaultthat leads to an emotional, mental, and/or psychological injury to the victim, rather than a physical bodily injury. 10V. DEFENSES TOASSAULT AND BATTERYThereare defenses that a person can use to defend himself for committing the crimeof assault and battery, and the most popular defense is the claim ofself-defense.

Thedefendant will argue that he committed the assault and battery only because itwas necessary for him/her to protect himself/herself from attack. In other situations, the defendant may seek to prove that he did it to protect another person fromharm. Although some person may have been touched in a forcible or offensive way, the defendant’s actions are justified because they wereprompted by a desire tohelp or rescue the person who was in a dangerous situation and this may be themajor cause for committing this crime. 11 V.

1. CONSEQUENCIES FOR CRIMINALCONVICTION OF ASSUALT AND BATTERYAssault andbattery being crime like other crimes has got some effects/consequences to theperson involved in that crime and some of these consequences include thefollowing as listed below: It could be on your record for life. There would be an imprisonment. Parole or probation.

Anger management classes. There would be significant payment of fines imposed to the person convicted the crime. Possession of firearms may be limited to the person who committed that crime. Physical injuries through treatment facilities Discomfort (pain and suffering) Direct out-of-pocket medical expenses could be incurred. Daily expenses may incur due to regular hospital visits. Prescription drugs. 121X-see,’definition of assault and battery’ available at

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