

# Assaults immediate harm.[4] iii. penalties for assault

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Assault and battery basically mean the same thing and eventually prosecuted together and it is often paired together as one offense. The reason for this is, when someone commits battery, they usually have the intent to harm, and threaten the person before committing the physical act and it is the harmful touching of another. But in fact, they are two separate crimes under the same umbrella. 1 In most jurisdictions, assault and battery is 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. While assault and battery were traditionally classified as two very distinct crimes, modern laws pair them together as one offense.

2 The definition for crime of assault itself varies from state to state, but the word is often defined as an attempt to injure someone else and includes threats behavior against others. Battery is defined as an intentionally touching of, or application of force to the body of another person in a harmful or offensive manner, it is always confused with assault, which is merely the act of threatening or placing another person in fear. A battery is always preceded by an assault, which is why the two terms are often used transitionally or combined as assault and battery. 3 II. HOW THE CRIME OF ASSAULT AND BATTERY IS COMMITTED Assault and 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 conduct that crime and injures another person.

It is also done when one tries to or does physically strike another or acts in a threatening manner to put another person in fear of immediate harm. 4 III. PENALTIES FOR ASSAULT AND BATTERY The penalties and sentence for assault <https://assignbuster.com/assaults-immediate-harm4-iii-penalties-for-assault/>

and battery convictions can vary widely depending on the law of the state where the offense was committed, as well as the circumstances of each case.

Punishments range from fines to imprisonment, depending on severity of the offense and the offender's criminal history. Individuals who are first time offenders may receive more leniencies while those who have an extensive criminal record or repeated instances of violent conduct or those that have been involved in such crime may receive stiffer penalties. 5 III.

1. PENALTIES FOR ASSAULT AND BATTERY IN RWANDA According to Rwandan law as it is written in the penal code, if assault and battery result from lack of foresight and precaution, the offender will be liable to a term of imprisonment of eight (8) days to two (2) months and a fine of one hundred thousand (100, 000) to five hundred thousand (500, 000) Rwandan francs. 6 Any person who committed aggravated assault and battery and intentionally causes injuries to another or beats or any serious act of violence against another person is liable to a term of imprisonment of six (6) months to two (2) years and a fine of one hundred thousand (100, 000) to five hundred thousand (500, 000) Rwandan francs. If the offender has acted with the ambush, this person is liable to term imprisonment of two (2) years to three (3) years and a fine of one hundred thousand (100, 000) to five hundred thousand (500, 000) Rwandan francs. 7 III.

2. EXAMPLE OF A CASE ON ASSAULT AND BATTERY An example of a case on assault and battery is the case of a professional footballer who sexually assaulted a twenty-six year old, police officer Rebecca Sledge 8 The case of MUNYANTORE Celestin who was accused of committing assault and

battery against NYIRAHABIMANA Placidia that later led to death. It is said that MUNYANTORE Celestin committed a crime that is punished by the article 151 of law no 01/06/2017 of 02/05/2012 constituting the penal code and the accused pled guilty to the case against him because he accepted that he pushed NYIRAHABIMANA and fallen down. So, this means that he should be punished according to the law that punishes assault and battery in

Rwanda 9IV. TYPES OF ASSAULT AS A SINGLE CRIME Assault as a crime itself which is the attempts to physically harm another person, and acts in a way that causes the victim to fear that he will be harmed has got some types and such types include the following: Felonious assault, this refers to an unlawful attack or attempted attack, accomplished through force or violence that causes physical injury to another person. This type of assault 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 there need not be a weapon for this designation. If a serious injury occurs due to an assault using hands, fists, or feet, it is also deemed a felonious assault. Therefore, both serious resulting injuries and the use of weapons are triggers for a felonious assault. Assault and battery is an example of a felonious assault. This is a type of incident that results in actual contact made and creates a need for medical attention to the victim. Simple assault: this type of assault occurs when a weapon is not used and the resulting injuries that are caused to the victim are not too serious or minor in nature. Physical assault: this is where an assault committed causes fear by threatening, such as prior to the commission of a murder or aggravated

assault. Aggravated assault: this is committed when a person uses a weapon and/or an amount of increased force 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 assault that leads to an emotional, mental, and/or psychological injury to the victim, rather than a physical bodily injury. 10V. DEFENSES TO ASSAULT AND

BATTERY There are defenses that a person can use to defend himself for committing the crime of assault and battery, and the most popular defense is the claim of self-defense.

The defendant will argue that he committed the assault and battery only because it was 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 from harm. Although some person may have been touched in a forcible or offensive way, the defendant's actions are justified because they were prompted by a desire to help or rescue the person who was in a dangerous situation and this may be the major cause for committing this crime. 11 V.

#### 1. CONSEQUENCES FOR CRIMINAL CONVICTION OF ASSAULT AND

BATTERY Assault and battery being crime like other crimes has got some effects/consequences to the person involved in that crime and some of these consequences include the following 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

[freeadvice.com/criminal-law/violent\\_crimes/assault\\_battery.htm](http://freeadvice.com/criminal-law/violent_crimes/assault_battery.htm).>

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[onecle.com/alabama/criminal-code/13A-6-20.html](http://onecle.com/alabama/criminal-code/13A-6-20.html)>.

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G., no special of 14 June 2012. 7X-see, Art. 148 of organic law no 01/2012/OL of 02/05/2012 instituting the penal code, O. G., no special of 14 June 2012.

8L. James Freeman, bad bitch 6: assault & battery, 2013, p. 4. available at 9MHG Intermediate court, 06/07/2017, MUNYANTORE Celestin vs.

NYIRAHABIMANA Placidia, judgment no R. P00257/2017/TGI/MHG, para. 11 also available at accessed on 7th, Dec, 2017 at 02: 30 10X-

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see 'different types of assault' available at accessed on 9th, Dec, 2017 at 07: 45pm 11X-see, 'defense for assault and battery' available at accessed on 9th, Dec, 2017 at 07: 45pm 12X-see, 'consequences for conviction of assault and battery' available at accessed on 9th, Dec, 2017 at 08: 45pm