

Criminal law

Law



Criminal Law a) The main difference that is there between a felony and misdemeanor is the crime's severity. Both crimes can be committed against the state, property or people. For example, speeding is usually considered a misdemeanor while running over someone with a vehicle on purpose is considered a felony. Felonies are associated with prison sentences of at least one year, fines or even both while misdemeanors involve less than a year prison sentence, smaller fines or even both (Gardner, et al. 15). I would make the crime a misdemeanor because is not a very serious crime and can be served with alternative sentencing like community service.

b) Mens rea is defined as crime that consists both a mental and physical element.

Actus reus is defined as a criminal law that has all the elements of crime apart from the state of mind of the defendant.

Strictly liability is defined as those crimes that need no proof of mens rea that is in relation to one more elements of the actus reus.

The crime requires both mens rea (the mental element) and actus reus (physical element) of the crime.

2.

a) Here the business was charged with a crime.

b) Here the civil law was utilized to address the illegal acts.

3.

a) Crime against health - These are actions that can cause may violate the health issues of the employees of the business.

Both the business owner and the business would be charged for the crime.

b) Fraud - Is an act of deceiving others with an intention of personal gain that results and causes loss to others.

Both the individual and the business would be charged for the crime.

c) Bribery - Giving, offering or soliciting of a valuable thing so as to influence an official's actions in the discharge of public or legal duties. Both Laura would be charged for the crime.

4)

a) Security fraud - This is whereby an individual with inside information regarding a business or investment trade that information in violation to obligation and duty. The violation here is knowingly making a false report whose penalty is a maximum imprisonment for 1 year and/or a fine of \$ 6, 000 maximum.

b) Fraud - this is a crime that basically involve deceiving another party for monetary gain. The violation involved here is the using of official position for personal gain with a penalty of a maximum of 2 years imprisonment and/or a maximum fine of \$ 30, 000.

c) Theft - This involves taking of property without authority from another party with an intention of permanently taking it from them. The sentences and penalties for this crime range from minor to severe, with a lot of factors involved.

5)

a) Oregon constitutional amendments. Oregon State Bar.

b) The Sixth Amendment to the U. S. Constitution. Cross-examination right.

c) The Fifth Amendment to the U. S. Constitution. Privilege against Self-Incrimination.

d) The Sixteenth Constitution Amendment. Right to appeal.

e) The Fourth Amendment of the U. S. Constitution. Right to refuse search request.

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Work cited.

Gardner, Thomas J, and Terry M. Anderson. Criminal Law. Australia:
Thomson/Wadsworth, 2009. Print.