

The criminal justice system

Law



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The Difference Between a Felony and Misdemeanor Charge The most common criminal offenses filed in our courts circle around the crimes listed as Felonies or Misdemeanors. Although both crimes carry what could be considered to be moderately heavy penalties for the offenders, there is a tremendous contrast in the exact meaning and list of offenses covered by each charge. The simplest way to say it would be that Felonies are more serious charges than Misdemeanors and therefore, carry a heavier penalty under our courts of law.

Misdemeanor charges are usually classified as one of the following types of lawful violations (LegalMatch, 2012) “ Theft or common theft, assault and battery, drink driving, vandalism, public drunkenness, resisting arrests, obstructing or resisting a police officer, trespassing, disorderly conduct, breach of the peace, failure to appear in court, prostitution“. These crimes normally have a penalty of no longer than one year and are not considered to be serious offenses. The serious offenses normally fall under felony charges such as (LegalMatch, 2012) “ murder/homicide, rape, drug trafficking, child abuse, gun possession, burglary, money laundering, and child pornography“. Such serious offenses are considered highly serious and have punishments that vary from state to state, depending upon the courts deemed severity of the offense.

Having clearly defined the difference of the two crimes based upon the description of offenses, it is safe to say that one would much rather be accused of a misdemeanor rather than a felony. That is if one finds himself facing legal action as a result of his own personal actions or reactions to situations concerning him.

To: Ms. Singh

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From: Your Lawyer

Date: January 6, 2012

Dear Ms. Singh,

As per the police records submitted to us, you were charged with a Misdemeanor Breach of Peace charge. This charge was the result of your involvement in the bar room brawl that occurred at last Friday between your boyfriend and another bar patron. You have asked me to advise you with regard to what kind of penalty you are looking at and for how long. I am please to inform you that since you are charged with a misdemeanor, your penalty will not be longer than one year. Our federal government has indicated that the punishment for misdemeanor offense such as yours "... carry a maximum punishment of one year of incarceration usually is served in a local jail. " (wiseGeek, 2012). I therefore advice you not to worry as there is even a very strong possibility that, should you plead guilty or be found guilty of involvement in the misdemeanor charge, " If a jail sentence is imposed, it is served at a local, city or county jail rather than a state or federal prison (penitentiary)". (LawInfo, n. d.) You may breath a sigh of relief as felony charges are not usually filed alongside misdemeanors.

I would advise you to take note however, of the fact that as convicted misdemeanor violator you may be covered by the three strike rule of our state. The 3 strike rule indicates that, ((LawInfo, n. d.) " A person convicted of a misdemeanor is usually able to vote, serve on juries, practice in licensed professions like being a lawyer and serve in the military. Most importantly, misdemeanors are not counted as " strikes" in states that have adopted three strikes laws. However, if a person has already been convicted of two felonies, the misdemeanor could potentially be considered the " third strike"

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offense, which could result in a mandatory 25 year to life prison sentence. “ Your crime is a light offense when compared to felonies which are serious crimes such as (LegalMatch, 2012) “ murder/homicide, rape, drug trafficking, child abuse, gun possession, burglary, money laundering, and child pornography. Therefore, your punishment does not require prison sentencing, There is absolutely no way you can get the life sentence or death penalty in this case.

We can get you out of this situation free and clear. We might even be able to convert your sentence to community service depending upon the sympathy of our presiding judge since all the evidence points to you as being a mere bystander in the situation. If you feel the need to get further clarifications regarding your upcoming court date, please feel free to make an appointment for a consultation at least 2 days before your court date.

Sincerely,

Lawyer B

References

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