

Criminal law

Law



**ASSIGN
BUSTER**

Every situation is different when the police make an arrest or are encountered with anyone who is claiming that a crime has occurred. There are basic principles involved where criminal law is concerned. Whether these are crimes or a civil action depends on the type of situation that has occurred. What are these principles in criminal law? Are there any civil liabilities? In the criminal justice system, criminal law is its foundation. It determines the conduct in which a police officer can make a potential arrest, court trials, and prison incarcerations.

Criminal law branches out and covers a wide range of crimes and laws. Criminal laws make it clear what will happen if an individual breaks the law and what they can expect their punishment to be (Lippman, 2007). In this case, Officer Jones was working the midnight shift with his patrol area being a crime ridden community. He was in uniform walking his beat around 2:00 am when a female walked up to him and said she had been beaten and robbed. Her shirt was soaked in blood due to a cut on her lip and head.

She gave Officer Jones a description of the perpetrator and said that she was unable to tell whether it was a male or female due to the ski mask they were wearing. She was also unable to give a description as to the individual's race or ethnicity. But, she was able to tell the officer that the person was 5'8" and was carrying a gun. The woman's wallet was stolen and the perpetrator ran off with it. At this point, Officer Jones decided to call for back-up as well as emergency medical professional to attend to the woman ("Scenario: Criminal Law", 2013).

In this situation, there are two alleged crimes that were committed; assault and battery. Even though, in criminal law, one tends to see these two charges together. However, they each have their own definition and can be different from one state to another. Assault is defined as "an attempt to injure someone else and in some circumstances can include threats or threatening behavior against others." Battery is defined as "the intentional offensive or harmful touching of another person without their consent."

In order to prove battery, an offense would have to require that the touching is harmful; victim does not consent, and intentional touching. In this case, the woman was threatened with bodily harm but, also the perpetrator inflicted bodily harm ("Assault and Battery Overview", 2013). The principles of criminal law include; intent, actus reus, causation, concurrence, defenses, and responsibility. Criminal intent, also known as mens rea, is when an individual intentionally harms another individual. Criminal act, also known as actus reus, is when an individual acts or fails to commit an act.

Causation is when an individual causes harm by guilt or even death.

Concurrence is when the criminal intent and criminal act happen together.

Defenses are when the criminal act is not excused or justified. Responsibility is when these acts have to be stated in the statutes in a clear way so as an individual can have a reasonable understanding of these acts (Lippman, 2007). In this case, three of the principles exist. They are criminal intent, concurrence, and causation. The criminal act happened when the perpetrator committed an act.

The criminal Intent Is when the perpetrator intentionally and knowingly caused bodily harm to the woman. Concurrence occurred perpetrator is found guilty of the alleged crimes then this would fall under causation. Without waiting for back up or the emergency medical personnel to arrive, Officer Jones left the woman alone to go in pursuit of the individual when he thought he saw someone that matched the woman's description. When he got close to the individual, Officer Jones identified himself and clearly told him to " Stop, Police. " When the individual stopped, Officer Jones saw a bulge in his right pocket.

When Officer Jones saw that he was not going to keep his hands where he could see them and started to pull something out of his pocket, Officer Jones then pulled out his weapon and shot he individual in the shoulder. When the person fell to the ground, Officer Jones went to the person and then called for more emergency medical personnel. After searching the individual, Officer Jones found little bags filled with what looked like Cocaine. He also found a cell phone. The individual was taken to the hospital where he was labeled in stable condition (" Scenario: Criminal Law", 2013).

Several crimes happened here that involved the individual resisting arrest and having illegal drugs in his possession. Resisting arrest is when the accused knowingly prevents a law nforcement officer from being able to restrain him while making an arrest (" Resisting Arrest", 2005). Federal and state laws concerning drug possession say that it is illegal to have in your possession any illegal controlled substances. These laws do vary depending on the amount the accused has on him. There are several things that the

prosecutor has to prove in order to bring charges up in court on an accused person.

The defendant has to know that the drug was a controlled substance and they know they had possession of the drug (" Drug Possession Overview", 2013). After he detectives started investigating the incident they found that the woman had not been beaten and robbed by an unknown person but, instead, she was involved in a domestic violence dispute with her husband. It was later found that the woman lied so her husband would not get in trouble or be arrested (" Scenario: Criminal Law", 2013). One of the crimes in this area is giving false information to a law enforcement officer.

When the woman knowingly told the officer that someone beat and robbed her and fully knew that it was her husband that had been the one that actually did he beating then she knowingly and willfully gave Officer Jones false information as to what really happened. The criminal law principles for this crime would be criminal act and causation. Giving false information to any law enforcement official is a punishable crime. A civil action can be brought against the officer, the department, and the city for the excessive use of force by one of their police officers and for medical damages incurred when shot.

Terry v Ohio, 392 U. S. (1968), was a case concerning the police using excessive use of force. The Fourth Amendment right is or unreasonable search and seizures and it is there to protect the people whether they are walking down the street, at home, or elsewhere (" Terry v. Ohio", 1968). In conclusion, it is found that there are principles of criminal law that defines

the conduct of how law enforcement makes arrest and handles court trials. These principles are in place to help law enforcement and citizens with their basic rights under the law. Civil liabilities can come into play when these principles are not followed.

References

<http://criminal.findlaw.com/criminal-charges/assault-and-battery-overview.html>

<http://criminal.findlaw.com/criminal-charges/drug-possession-overview.html>

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