

# Criminal law essay sample



**ASSIGN  
BUSTER**

A country without rules to follow will be peril, just imagine how dangerous our communities would be. We would see crime in every corner, criminals will be everywhere, and people will not have peace. Many people ask what the purpose of law is and why laws are created. Criminal laws “ deal with the crime committed against the public by the public and this laws focus on the general public and how they respond or take charges for the offenses they have made” (Criminal Lawyer Group , 2013). The reason criminal law are created is to give society some discipline and to protect the people from criminals.

Criminal laws or penal law, which is another way to call it, also determines what a criminal act is or not. “ Making the criminal law prevail will help the country become peaceful. It will lessen the acts of violence and other crimes because criminals are aware that they will be punished” (Criminal Lawyer Group, 2013). To explain how criminal law works, here is one recent Supreme Court case that is calling the attention of many people. In 2009, the police of Maryland arrest Alonzo Jay King, for first- and second-degree assault.

During the arrest, Maryland police were authorized to collect King’s DNA. When the results comeback, surprise King’s DNA “ matched a prior set of DNA data collected in a separate 2003 rape case that remained unsolved” (Cowen & Park, 2007). After the police, present the evidences in court of Jay King DNA and the 2003 DNA sample from the rape victim who underwent a sexual assault forensic exam, the grand jury formally charge King for first-degree rape. Later, “ the state’s highest court reversed King’s conviction,

finding that the DNA evidence was improperly obtained during an unreasonable search.

The court deemed the search unreasonable and thus unconstitutional under the Fourth Amendment because King's right to the expectation of privacy was greater than Maryland's interest in using his DNA to identify him" (Cowen & Park, 2007). I was interested in this case, because on June 3, 2013, I read about how the Supreme Court agrees with the procedure of police taking DNA example from people arrested in connection with serious crimes and 28 states authorize the practice already. This will be a very controversy topic; many eople believe this will be valuable technique for investigating unsolved crimes.

However, other will feel that this is a violation of the Fourth Amendment. The " Fourth Amendment forbids searches without reasonable suspicion to gather evidence about an unrelated crime, and guilty or not your DNA can be taken and entered into a national database if you are ever arrested" (Liptak, 2013) which on one opinion, this can be very alarmed.

The source of this law is the U. S. Constitution, which states that " The Fourth Amendment of the U. S. Constitution provides, the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause. This is supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized" (" Fourth Amendment: An Overview", 2013). The purpose of this law is to protect two important rights for the people " the right to privacy

and freedom from arbitrary invasions” (“ Fourth Amendment: An Overview”, 2013).

As for the jurisdiction of the criminal law, regarding the violation of the Fourth Amendment, when the police take a DNA example without a warrant from a person arrested. Since this type of violation is protected under the Fourth Amendment of the U. S. Constitution, the Supreme Court most drops the charges because they believe the police actions were “ unreasonable because Maryland did not have a warrant and or probable cause” (Cowen & Park, 2007). What is accomplice liability and criminal liability? How does it relate to the case?

Accomplice liability and criminal liability are two different terms that plays a fundamental role in the criminal justice. Accomplice liability also called aiding and abetting or complicity is the role of persuade, help, influence or encourage somebody to commit a crime. In other words, the person who help or encourage another individual to commit a crime will face the same level guilt and he or she will receive the same penalty as the individual who committed the crime. What the criminal justice will take into consideration is if the person helps the criminal intentionally and voluntarily.

Criminal liability “ is what unlocks the logical structure of the Criminal Law” (“ Principles of Criminal Liability”, 2003). In other words, is each component of an offense that the prosecutor needs to prove is a crime. The basic theory in criminal liability is that, in any crime there is always two elements, a mental element and physical element to the offence. One does not think accomplice liability related to this case, since there was no complicity,

criminal liability in the other hand, relate to case because the police did the illegal procedure with the intention to resolve a crime.

There is three important principal of liability in Criminal Law, actus reus, mens rea, and concurrence. These three elements are very different from each other. Actus reus " consist of more than just an act, it comprises all the elements of the offence other than the state of mind of the defendant. Depending on the offence, this may include the circumstances in which it was committed, and/or the consequences of what was done" (" Elements of Crime ", 2013). There are three types of actus reus crime, action crimes, state of affairs crimes and result crimes.

Mens rea " refers to the state of mind of the person committing the crime" (" Elements of Crime ", 2013). The requisite mens rea differ according to the crime. However, two main states of mind are fundamental for mens rea in a criminal offense: intention, and recklessness. Now that one covered the meaning of mens rea and actus rea, one can better explain the meaning of concurrence. First, is important to understand that there must be a concurrence between a criminal act and a criminal intent.

In other words," it means that a criminal intent must exist at the same time as a criminal act" (" Mens Rea, concurrence, Causation", 2007). An example of concurrence is a person who hate her supervise and decide to throw a hot coffee at her face and cause severe injuries to the supervise. In this case, you find two things, a crime, and the intent to cause harm. All these three elements are involved in this case because the Maryland Police department voluntarily committed a criminal act.