

# [Wk 4 lab](https://assignbuster.com/wk-4-lab/)

[Law](https://assignbuster.com/essay-subjects/law/)

Running head: Assault and battery The facts of the case are that Davis has been assaulted by Lewis and Karel inside a tavern owned by Malcolm Parker. Assault charges are criminal in nature in the state of california. One would end up with a permanent criminal record. As a paralegal, the responsibility would be to ensure our client Malcolm parker, and to extension the alleged assailants, Lewis and Karel rights are protected and be kept in the know of what transpires , every step of the way. The prosecution is apt to prove the crime took place beyond reasonable doubt and that they did commit the offence. Justice for Davis and fair trial for Lewis and Karel. The splashing of whisky into Davis eyes was willful and intentional. But would the court treat alcohol as a weapon other than firearm? (California penal code section 245). Would it produce great bodily harm. If the answer is yes, then this is a felony charge with a sentence of up to 4 years and a fine of up to $10000, and not the $100000 compensation demanded by Davis. A compensation would preempt prosecution if they settle out of court. The use of violence on Davis by Karel leading to arm dislocation is a simple battery and can be charged as a misdemeanor or a felony. (California penal code section 242-243). There was body contact which led to injury, although no weapon was used. We can also contend that Lewis was a first offender with no record of violent temperament. We would also need to establish whether Lewis and Karel were intoxicated during commission of that offence, such that, we can argue on temporary insanity occasioned by intoxication. Even if these offences were committed in Malcolm parker’s premises, he is not the assailant and when push comes to shove, the assailants should be arraigned, charged, and sued for compensation and redress.
WORKS CITED
Carlifornia penal code section 240-241.
Carlifornia penal code section 242-243.
Carlifornia penal code section 245.