

# Law case scenarios critical thinking

[Health & Medicine](#), [Alcoholism](#)



## **Abstract**

This paper gives an insight to the jurisdictions of crimes. It also establishes the similarities and differences of federal and state jurisdictions in criminal law. It also establishes the concurrent state and federal jurisdictions. All these concepts are illustrated in three different crime jurisdictions

## **Introduction**

The United States of America's Constitution bestows the individual states with the authority to rule themselves, however where the whole nation's interests is at stake, Federal law overrules any state law. This is confined under the U. S. Constitution Supremacy Clause. Conversely, some criminal law quarters are concurrently engaged by the state and Federal laws mutually. However in this scenario, the federal law will precede the state law. In this paper three scenarios are put forth to fully illustrate the differences of above laws. They are mail fraud law (federal), Public intoxication (state) and Immigration law.

Mail fraud is a criminal act found within the locale of federal law in the United States. It comprises any plan that endeavours to illegally obtaining money wherein the postal system is exploited at any occasion in the occurrence of an illegal deed. Mail fraud is confined under Title 18 of the United States Code, Chapter 63. For an individual to be proven guilty of mail fraud, it must be shown that

1. The individual intentionally and wilfully invented a design to defraud,
2. And these acts were undertaken by means of exploit of the U. S. Postal Service.

3. And the individual has attained a payment in return to a deceitful offer

Mr. X has been friends with Mrs. P for three years now. He has just lost his job. He has no other form of income. Therefore resorts to defrauding Mrs. P. He writes a letter to Mrs P claiming that he needs \$500000 for a kidney transplant urgently. Being his friend, Mrs. P manages to raise the amount and sends a cheque via the US postal service. He revives the money and starts a company. A year later, MRS P realises that Mr X has cheated she sues and Mr. X is found guilty.

This is a federal law in that it touches on the use of the U. S government property (postal service).

Public intoxication, drunk and disorderly, is a legal charge claiming that an individual is evidently intoxicated in public. Public Intoxication is habitually a state law. The Public intoxication laws subsist to thwart individuals from distressing others in public. It is also existent to eradicate individuals who emerge to be incapable of stopping themselves from hurting themselves and or others. By description, a public intoxication law frequently has elements, which should be established before finding one guilty:

1. You emerge or appear to be;
2. Intoxicated or under the influence
3. You are in public (Newman, 2004).

Mr. Wekesa is a 34-year-old male who had just celebrated his birthday. He was ambushed in an office surprise party where there were alcoholic drinks. He got intoxicated and yet he was supposed to get to his wife for his annual birthday dinner. He decided to leave the party and took his car. Although he

was drunk, he had to get home. On his way, he was stopped by the traffic police for over speeding and failed the alcohol blow test. He was charged for DUI. He was found guilty.

This type of law is a state law in that it does not affect any U. S property nor does it affects the interests of the nation. Parts of law not engaged by the Federal laws are retained completely to the states

Concurrent jurisdiction is the ability to apply judicial review by various courts at similar occasion, in similar territory, over the same topic For example, a family dispute possibly will be heard in either a general civil court or a family court in similar county. Either court that would actually exercises its authority first will do so entirely. Federal immigration law give ways by which certain foreigners can become citizens with full privileges of citizenship.

Immigration law establish who may possibly enter, the time they may reside and when they must depart. The Federal Government is yet to establish illegal immigration laws. As a result, various state governments and many capitals are imposing illegal immigration laws.

## **References**

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