

# Business law assignment

[Business](#), [Management](#)



An act of crime without a criminal intent is not a crime. Once an idea of a crime has been communicated and planned out it is considered a conspiracy. A conspiracy is a crime. The crime is justified due to the fact that both Jack and Mary planned the robbery. They both agreed to rob the bank. This is also known as a specific intent crime. When a crime has a specific intent the specific intent must be proved beyond reasonable doubt. In a burglary prosecution there must be proof of intent to commit burglary.

In the case that they had been arrested, I would assume that there was evidence to prove the intent of their robbery spree. . When police entered her room without a warrant, Suez swallowed two ‘ uppers”. Portions of the capsules were recovered by the police with the use of the stomach police. What constitutional issues will be raised by her attorneys? Explain. The fourth amendment protects citizens from illegal search and seizure. Her attorney would probably argue that the police officer had violated her right that is protected by the fourth amendment.

A search warrant is only granted with in an event where there is a probable cause. The warrants have to be granted by a Judge. The exclusionary ale which was created by the Supreme Court rules that evidence which is “ illegally’ obtained by the police and all following information thereafter cannot be used to convict a person accused of a crime. In this particular case, if the police entered her room without a warrant, there would have to be probable cause to enter without a warrant.

If there were no probable cause and there was not a warrant granted by a judge then Suez would be protected under the fourth amendment. The

exclusionary rule under the fourth amendment will also protect any evidence obtained since the “ uppers” were illegally obtained by the police officer. .

Divine was arrested and tried for embezzlement. After deliberating for three days, the Jury informed the Judge that it was hopelessly deadlocked and could not reach a verdict. The Judge declared a mistrial and scheduled a new trial.

Divine objected, contending that a second trial constituted double Jeopardy. Is he correct? Explain. In this case, the second trial would not be considered double Jeopardy. Double jeopardy means that a person cannot be tried twice for the same crime. He was never acquitted of the crime. Since the Jury could not reach a verdict, it was a mistrial case. Once a verdict was reached and carried out, Divine could not be trailed again for same crime. In the case that the defendant appeals and obtains reversal of Business Law By Escapades 01 not in Jeopardy.

The reversal is basically a willingness of the defendant to be tried for crime. In another case, If the crime is committed against two or more people or in multiple states or if the crime is in violation of both state and federal laws the defendants protection against double Jeopardy does not prevent multiple trials. 8. A policeman investigating a rape spotted Quarrels, who matched the rapist’s ascription. When Quarrels saw the policeman, he began to run toward the back of a store.

After a chase, the policeman cornered the suspect and noticed that he had an empty shoulder holster. The policeman retrieved the gun and then arrested Quarrels. At this point the Miranda warning was read to Quarrels.

Was the warning too late in violation of Quarrel's constitutional rights? Why or why not? No the warning was not too late. The Miranda rights are read to the person after they placed under arrest. As per the Miranda right they have the right to remain silent after they are put under rest.

The Fifth Amendment allows individuals to exercise their right against compulsory self incrimination. It is not necessary for officer to read Miranda rights unless suspect is under arrest. The Fifth Amendment only protects an individual after they have been arrested. The officer did not violate Quarrels Fifth Amendment rights. 10. To what extent do sole proprietors differ from partners and a corporate official in so far as the Fifth Amendment is concerned? Explain. In concerning the Fifth Amendment in regards to possession of business records of an organization is emitted.

It is sometimes called upon companies to produce records or give testimony that may incriminate them. The contents of sole proprietors documents are not protected, but the proprietor cannot be compelled to produce the documents. In regards to corporation, their documents are not protected; however the person who keeps the records cannot refuse to not produce the records. The person who works for a corporation has no Fifth Amendment protection against self incrimination. Corporations seem to have more liability and less protection from Fifth Amendment.