

Drafting final essay



Bill Aralias, a 25 year old male, stabbed his cousin, Ion Scientist during an altercation. On February 1, 2006 Ion and Bill took an illegal drug called cocaine together. After finishing their supply, Ion decided to visit a drug dealer by the name of Blow Thomas. Ion came up with a scam to obtain the drugs but never exchanged the detail of his plan with Bill. At this point, Bill had no idea what Onion's plan was.

The only thing that Bill knew was that they were going to buy more cocaine for their own personal use from a drug dealer named Blow which happens to live in the same house as Bill's sister,

Sandra. Bill rode with Ion in the car half way to BloWs house but was dropped off by Ion at a local convenience store. The only thing that Bill knew was that Ion was going to try a scam on Blow in order to obtain more cocaine for partying purposes. Ion provided himself and Bill with a steak knife. Ion told Bill that he was giving him the knife because he might need a little protection after executing his plan.

Ion did provide Bill With the knife before partying. Bill accepted the knife.

However, I do not believe that Bill had any intentions of stabbing anyone especially the person that his sister lived tit nonetheless Ion which was his cousin and close friend. Bill did mention to Ion that he can party as good as him.

Bill was aware that drugs were to be obtained. However, Ion at no point in time shared the detail of his plan with Bill on how he was to obtain the cocaine from Blow. Bill was told to wait for Ion at the convenience store until

he returned. Bill was not allowed to visit Blow's house because he was previously accused of stealing so this is why he was dropped off at the store.

Now please note that Bill still has no knowledge at this point of what Ion has planned to obtain the cocaine for their own personal use.

After 45 minutes, Bill decided to go to Blow's house and knock on the door. Bill knocks on the door and at this point Ion rushed at him. Ion began beating on Bill all out of anger for Bill coming to the house and possibly messing up his plan to obtain drugs. Ion cursed and threatened to kill Bill saying that he jeopardized Blow's plan to buy drugs.

Ion knocked Bill to the ground, kicked Bill in the face, and even knocked out a tooth from the beating that Bill was receiving from Ion.

At this point, Bill pulled out the steak knife that Ion had given him earlier and stabbed Nina. After being stabbed, Ion continued to threaten Bill forcing him to go into the house and finish the deal of obtaining cocaine. Bill entered the house and spoke to Blow about providing him with cocaine.

Blow refused to provide Bill with cocaine and advised that he remove Ion off of his property before he bled to death. This is when Bill exited the house and personally drove Ion to the hospital.

Ion was dead upon arrival to the hospital from two severed veins. Now eased off of the equal protection law, this law states that criminal laws can treat some types of conduct differently only if the different treatment is reasonable. Criminal intent is one of the elements of criminal liability. The prosecution must prove all elements without a reasonable doubt.

However, a reasonable doubt does exist in this case. Yes, Bill had a legal duty to do what was right regarding the drug purchase. However, Bill had no intent to use the knife to kill someone.

After careful research, I was able to see to see what would constitute as applicable crimes for this particular case and the offenses for these crimes based on the facts previously mentioned. One of the following statutes applicable in this jurisdiction is manslaughter.

The common law and most laws today recognizes assault and battery as one of the four adequate provocations of manslaughter. Someone beating another is more than an intent of attack with deadly force. This is adequate provocation to reduce murder to involuntary manslaughter. Criminal negligence manslaughter can be applicable as well.

The death of Ion was caused by Bill who was aware that the act of stabbing Ion would create a bestial risk of death or serious bodily injury, but Bill still acted in stabbing Ion. Now in Bill's defense, I believe that there is a way to prove his innocence by proving that his stabbing was a justifiable homicide. Believe that Bill stabbed Ion in self-defense. Ion charged at Bill and began to beat him multiple times to the point where Bill was on the floor with a broken tooth.

Ion even threatened to kill Bill only because he knocked on the door of the drug dealers house.

Manslaughter is killing a person with malice and not in self-defense. This can even be tried as a justification defense. Bill can admit that he did stab Ion and take responsibility for his act.

But Bill can claim that, under the circumstances, what he did was right and in self-defense of fearing for the safety of his own life. Ion was violently angry and would not stop beating on Bill. Ion could of beat Bill to death. Self-defense has three circumstances that must come together in order to validate the act of self- defense and all three of them took place.

Necessity must be great, must exist at the moment, and must be used for prevention purposes only.

All three would apply. Bill did nothing to provoke the attack. Non deadly force wouldn't have helped Bill either. Ion was the initial aggressor. There was no withdrawal exception.

Bill's imminent danger of attack was " now'. Radio's statue of manslaughter states that " the killing of a human being by the act of negligence of another without lawful justification according to the provisions of chapter 766 is manslaughter. [Http://www.leg.state.fl.us/statutes/index.cfm?id=782](http://www.leg.state.fl.us/statutes/index.cfm?id=782).

[Us/statutes/ index. Sections/0782. 07 . HTML.](http://www.leg.state.fl.us/statutes/index.cfm?id=782)

Self-defense is justification enough. Please refer to the following case which holds similar facts to what we are dealing with. *Dandle v. State*, 135 Fla.

28, 184 So. 525 (1938). In this case, both parties fought and one killed another in the act of self-defense. Now, will mention that our current case

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with Bill and Ion involves possession of cocaine. Any person who possesses cocaine to deliver it to another person commits a felony of third degree.

Yes Bill walked in to the house in an attempt to get Blow to give him cocaine that would later be given to Ion. However, this is a bit more complex.

Ion in a rage threatened Bill with his knife and demanded him to go inside and “ finish the drug deal”. This is when Bill walked inside to request that Blow give him Onion’s cocaine supply.

Bill had intentions of using the drug for his own use and not for trafficking purpose. The fact that Ion threatened him with a knife is what probably made Bill go inside to get the cocaine. Florist’s “ stand your ground’ law may be applicable in this case. Bill was threatened by Ion if he didn’t go inside and get the cocaine. Bill, in an attempt to salvage and save his own life, obtained the cocaine at this point.

In *Hernandez v. State*, 56 So. D 752 (Fla. 2010), evidence was sufficient to establish that defendant intended to traffic an amount of cocaine necessary for underlying first degree trafficking or attempted trafficking in cocaine offense. However, evidence also failed to establish defendant’s guilt beyond a reasonable doubt. It was fairly and well established that the accused went into the house and obtained cocaine in self-defense and in fear from his own life.

Ion was very near the accused and carried a knife. Ion threatened to kill if defendant refused to go inside and get the cocaine. Knowledge and intent also plays a major role in this case.

While it is not accessory to prove the existence of actual cocaine in order to establish a defendant's intent to engage in drug trafficking, the State must still submit evidence showing that the defendant intended to traffic in actual cocaine.

Elements in general. In prosecutions for first-degree felony of trafficking in cocaine, the State bears the burden of proving the following elements beyond a reasonable doubt: (a) the accused knowingly sold, purchased, manufactured, brought into the state, or actively or constructively possessed a certain substance; (b) the substance was cocaine; and (c) the quantity of the substance was 28 grams or more.

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5 893. 135(1)(b). Defense of duress is when defendants use the excuse that they were forced to do what they did. This case established the following elements in the defense of duress.

One it established a nature of threat. Two, we can also established the immediacy of the threats. The harm was instant. Bill believed that Ion would immediately carry out the threat if the crime of obtaining the cocaine was not accomplished.

The level of belief regarding the threat was real. Believe we can see signs of Conspiracy in this case.