

Ensuring the  
defendant's win,  
regardless of his guilt,  
using a series of  
defenses...

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## **Defenses and excuses**

Each state has its own regulations and principles contained in various statutes highlighting the different levels of defenses that are incorporate in the defense process for a given criminal behavior. The statutes are put in place highlighting different ways in which a given case can be approached in order to be successful regardless of being guilty or not. The court process involves being able to put together a convincing plan that highlights the fact that the defendant should not be convicted for a given crime committed. An important aspect to consider in this case is that the judge does not know anything about the case and it's the arguments that take place during the court proceeding that provide crucial information that can help either the prosecution or the defense win the case based on the underlying plan put in place. This paper will focus on some of the crucial excuses and defenses that can be relied upon in ensuring that the defendant is able to win a given case within the state of South Carolina.

Criminal defenses within the state of Carolina highlights that criminal defenses are considered under two braid categories which must be effectively exploited in ensuring that there is a greater understanding on how to approach a given case and ensure that the defendant does not end up in jail. The major categories that are considered in this case include excuse and exculpation. An excuse frees an individual from impending liability because they belong to a group in which they share a common characteristic. A key example that can be applied in this case is when a police officer injures a suspect during a lawful arrest. The police officer in this

case would be immune to arrest. Exculpation is a form of defense that occurs in case where a defendant pleads guilty but provides an argument that they should be freed from culpability based on the mitigating circumstances surrounding the crime (Barnes, 2015).

Insanity is critical defense in criminal cases that has been effectively outlined in the state of South Carolina. It is an affirmative defense. The law assumes every individual charged with an offense was sane at the time the crime was committed. If the defense assumes the defense of insanity, the burden of proof shifts to the defense that has to prove beyond doubt that the defendant was insane at the time of the act. There is need to understand that the defense has a critical role to play in ensuring that the burden of proof is proven by use of psychiatric expert who can be able to provide a significant understanding on the wellbeing of the defendant. The expert is also expected to provide an account of the condition of the defendant at the time of the offense in order to stand a chance of being pardoned based on the underlying legislations (Smith, Anderson, & Rackaway, 2014).

Mutual agreement is another crucial defense that has been developed within the state of South Carolina. The mutual agreement defense focuses on the existing understanding between the two individual who agree participate in a given legal activity where one of the party is injured in the process. A defendant using the consent defense asserts that no offense was done considering the underlying focus that the actions being considered in the case were done under victims consent without any form of coercion.

However, it is important to understand that mutual consent defense is

limited and cannot be applied in serious criminal cases such as incest or domestic abuse or sex involving a minor (Levin, 2010).

Entrapment is another form of criminal defense which can be successfully argued in a court of law and ensure that the defendant is successful.

Entrapment occurs when the state tricks an individual into committing a crime and then launch charges against the individual on the same crime committed. The chances of being successful based on entrapment defense varies since an individual criminal record regarding the same crime is highly reviewed to ascertain the validity of the allegations being made. The cases of entrapment within the state of South Carolina are minimal. In this case, the defendant admits having committed the crime but argues the underlying fact that they were induced by agents of the state to commit the crime.

Automatism is a critical defense that a defendant can opt to pursue based on the crime committed. It integrates both exculpation and excuse where an individual physical condition is unable to control the situation resulting into a crime. A significant example in this case would be a situation where there is an epileptic seizure resulting into an accident injuring pedestrians while driving. In this case, the defendant has no control of the car due to his or her condition. The jury in this case makes its ruling based on the analysis done on the defendant to determine if it is indeed true that they have the condition claimed. The defendant might be acquitted or guilty verdict with mitigating sentencing (Smith et al., 2014).

A just murder where a defendant enter a plea of not guilty based on justifiable homicide defense has been highlighted within the state. The

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defense in this case seeks to excuse the defendant of any criminal liability. This defense is considered valid if it can be proved that the crime prevented a serious crime from occurring or an attempt on the life of the defendant by the victim. This form of defense can also be considered under self-defense where there was not intent to kill but the victim had to die in order to save the defendant from death, rape or other serious offenses which can be proven in the trial process. The defendant must also demonstrate that there was no any other alternative (Barnes, 2015).

Beaten up or torn down situation involves physical and psychological abuse, which in turn influence the conduct of an individual leading to a criminal act. The state of South Carolina recognize the battered woman syndrome, which is a form of defense within a criminal case. It is a form of self-defense, which is highly justifiable within a court process since the defendant does not have any way to alleviate herself from physical and psychological abuse, which has been caused directly by the victim. An individual who suffers from battered woman syndrome has been through significant constant domestic violence where they are unable to think straight based on emotional distress, which they have been subjected to. In this case, the defendant has to prove of the existence of violence that has a significant influence on their mental wellbeing thus influencing their decisions. Any crime that results from an individual who has been psychological and emotionally abused especially in marriages cannot form the basis of conviction despite the fact that the defendant committed the crime (Conrath et. al., 2015).

**How these excuses or defenses affect victims in a particular situation**

The excuses that are provided within the state tend to have a significant influence on court outcomes and has detrimental impact on the delivery of justice to the victim considering the prior actions that inform the decision that is being made by the court. There is usually double loss on the part of the victim since despite being a victim to the actions perpetrated by the defendant, they are still found culpable for the crime committed hence there is not form of compensation or justice on their part. Victims all the time want to see justice and ensure that the defendant are found guilty but based on the defense or excuse provided, they are unable to find their desired justice due to unavoidable circumstances.

The law is usually very clear on such crimes and thus despite the fact that the defendants are not guilty, it is usually beyond their control for the occurrence of the offense. It is very difficult to have a positive engagement under which it would be possible to develop a positive understanding between the victim and the defendant since in some cases it is not the fault of the victim and thus demand compensation. A victim who was knocked down by an epileptics seized driver might not find justice despite the fact that there is no crime they committed or being on the wrong side. In such cases it is very difficult to have an understanding on what needs to be done in order to ensure that the victim finds justice considering the fact that it is no one's fault (Levin, 2010).