

Law Studies

Williams

Apr 27 – May 15

Bill of Rights Case Studies:

Name:

For each case study, identify the right being violated and the Bill of Rights Amendment it is located in.

1. Calvin is accused of writing several bad checks. When he appears before the judge, Calvin asks for help preparing his defense because he is too poor to afford an attorney. The judge tells Calvin that he is sorry he is poor, but Calvin will just have to prepare his own case without any help.

2. Marvin's boss dislikes the ideas of the Church of Every Day Salvation. Marvin tells a coworker that he belongs to the church and soon after, Marvin's boss fires him because he belongs to the church.

3. A customer says that Betty cheated her out of \$2,000 at Betty's store. The customer then sues Betty. Because Betty believes the evidence will prove her innocent, she asks the judge for a jury trial. The judge says it would be a waste of time, and that he will settle the matter himself.

4. Juanita lives near a factory that puts foul-smelling smoke in the air. Juanita and her neighbors call a meeting at Juanita's house to discuss what they can do about the smoke. However the police block the entrance to the home and tell people that they have no right to hold a meeting.

5. Bob writes a letter to the editor complaining about the way the government is treating convicts in federal prisons. Because of this letter, Bob is arrested and placed in jail himself.

6. Mike is in his house watching television when two policemen knock at the door. They accuse Mike of having stolen property, enter the house and take several things that they say do not belong to Mike. When he asks if the policemen have permission to take his things, they just laugh and leave with the property.

7. Brendan is accused of armed robbery and given a trial. The jury finds Brendan innocent. The next day the prosecutor decides that the verdict was not correct, and he orders Brendan arrested and tried for the crime again.
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8. When Mary was arrested for shoplifting, she asked the judge to set bail so that she could be free while awaiting trial. The judge agreed, and set bail at one million dollars. Because Mary could not afford that amount, she remained in jail.
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9. The city of Central had two newspapers. The Central News often printed articles in favor of the local mayor. The Central Register, however, was very critical of him. When the Register wrote that the mayor might not have the best interests of the city in mind, the mayor ordered the paper closed and it went out of business.
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10. The government lacked money to support the nation's military forces. To save money, General Pulp ordered that troops be placed in the homes of people living close to military bases. Midge lived next to an army base, and two soldiers moved into her house, even though she did not want them there.
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Crimes of Omission and Preliminary Crimes

Whereas most crimes occur as a result of a person violating a law, there are other crimes that arise from the failure to act. These acts are called crimes of omission. The definition of a crime of omission is when he or she fails to perform an act required by a criminal law, if he or she is physically able to perform the required act.

The Case of the Drowning Girl

Allen, Betty, Chin, and Doris see Jill drowning in a lake, but none of them takes steps to save her. Allen is the girl's father. Betty deliberately pushed the girl into the lake by shoving Chin against Jill. Doris, a medal-winning swimmer, just stands and watches.

1. Would any of the four be criminally liable for Jill's drowning? If so, explain who and why.
2. Should any of them be liable? Explain your answer in detail.
3. Is this crime of omission? Explain.

Preliminary Crimes are certain types of behaviors which take place before a crime has been committed. Although the crime yet occurred or carried out, these offenses are still considered complete crimes in themselves. Your book lists three types of preliminary crimes on page 100.

4. List and explain the three types of preliminary crimes below:

a. _____

b. _____

c. _____

Problem 8.3

Examine the following situation and decide whether any of the individuals involved would be guilty of the crime of **attempt**.

a. Howard, a bank teller, figures out a foolproof method of stealing money from the bank. It takes him some time to get up the nerve to steal any money. Finally, he makes up his mind and tells his girlfriend, Donna, that tomorrow he will steal the money. Donna goes to the police, and Howard is arrested an hour later.

Is Howard guilty of the crime of attempt? Explain why or why not.

b. Gilbert, an accomplished thief, is caught while trying to pick Lewis's pocket. He pleads not guilty and says he can't possibly be convicted, because Lewis didn't have a penny on him.

Is Gilbert guilty of the crime of attempt? Explain why or why not.

c. Rita and Anwar decide to rob a liquor store. They meet at a pub (bar) and talk over their plans. Rita leaves to buy a revolver, and Anwar leaves to steal a car for use in their getaway. Rita is arrested as she walks out of the gun shop with her new revolver. Anwar is arrested while trying to hot-wire a car.

Are Rita and Anwar guilty of the crime of attempt? Explain why or why not for each of them.

d. Amy decides to burn down her store to collect the insurance money. She spreads gasoline around the building. She is arrested while leaving the store to get a book of matches.

Is Amy guilty of the crime of attempt? Explain why or why not.

Criminal vs. Civil

Criminal

Civil:

		Criminal	Civil
1	Person murdered your neighbor		
2	Person stole your car		
3	Person slide on ice and hit your car (damage)		
4	Person slide on ice and hurt you (injury)		
5	Person wants a divorce		
6	Person shoplifted lipstick		
7	Person's dog bit child (injury)		
8	Person runs a dog fighting ring		
9	Person wrote a bad check to Best Buy for \$4,000		
10	Company made a defective toy that injured children		
11	Company sold chicken that had salmonella bacteria, (injury)		
12	Airline companies together fixed the prices of airline tickets		
13	Person was stopped for drunk driving DUI		
14	Person installed a fence over onto their neighbors property		
15	Person purchased a new car, and the company won't fix it		
16	Company was found to make false claims for diet ads		
17	Company dumps illegal waste in empty lots around town		
18	CEO signs off on financial documents that mislead/lie about company's actual income		
19	Person gets a speeding ticket		
20	Person fails to register a handgun		
21	Person was showing gun to neighbor and it goes off and kills him		
22	Person gets into a fight with friend during the Bears game (injury)		
23	Person writes and email threatening to kill the President		
24	Your neighbor spreads rumors about you, claims you are an illegal drug dealer		
25	Person kicked and damaged you car during "road rage"		
26	Politician had taken bribe money from special interest groups		
27	Person did not pay the required income taxes		
28	Child dies after eating "tainted" peanut butter		
29	You get permission to adopt a child		
30	You neighbor is mad at you and burns down your garage		

Case of the Shipwrecked Sailors

Three sailors on an oceangoing freighter were cast adrift in a life raft after their ship sank during a storm in the Atlantic Ocean. The ship went down so suddenly that there was no time to send out an SOS. As far as the three sailors knew, they were the only survivors. They had no food or water in the raft. And they had no fishing gear or other equipment that might be used to get food from the ocean.

After recovering from the shock of the shipwreck, the three sailors began to discuss their situation. Dudley, the ship's navigator, figured that they were at least one thousand miles from land and that the storm had blown them far from where any ships would normally pass. Stephens, the ship's doctor, indicated that without food they could not live longer than 30 days. The only nourishment they could expect was from any rain that might fall from time to time. He noted, however, that if one of the three died before the others, the other two could live a while longer by eating the body of the third.

On the twenty-fifth day, the third sailor, Brooks, who by this time was extremely weak, suggested that they all draw lots and that the loser be killed and eaten by the other two. Both Dudley and Stephens agreed. The next day, lots were drawn and Brooks lost. At this point, Brooks objected and refused to consent. However, Dudley and Stephens decided that Brooks would die soon anyway, so they might as well get it over with. After thus agreeing, they killed and ate Brooks.

Five days later, Dudley and Stephens were rescued by a passing ship and brought to port. They explained to authorities what had happened to Brooks. After recovering from their ordeal, the two were placed on trial for murder.

The country in which they were tried had the following law: Any person who deliberately takes the life of another is guilty of murder.

Questions to consider

1. Should Dudley and Stephens be tried for murder? Explain.
2. As an attorney for Dudley and Stephens, what arguments would you make on their behalf? As an attorney for the government, what arguments would you make on the government's behalf?
3. If Dudley and Stephens are convicted, what should their punishment be?
4. What purpose would be served by convicting Dudley and Stephens?
5. What is the relationship between law and morality in this case? Was it morally wrong for Dudley and Stephens to kill Brooks? Explain your answer.
6. Can an act be legal but immoral? Can an act be morally right but unlawful? Explain.