

Michelle and Todd Criminal Justice

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Consent, Age, and the Criminal Liability of Todd

Michelle willingly goes out on a date with Todd as there is no presence of facts showing the application of force from the victim's testimony. Todd thinks Michelle is over 16 years old, which means she lies about being of age; Todd believes she is making him invite Michelle on a date at his house. Todd understood the words of Michelle and did not bother to find out from her friend or her personal belongings. The act of Todd engaging in sexual intercourse with Michelle, who is a minor, has an exemption in statutory law as Todd has no guilty mind. Todd and Michelle's case can't be categorized as statutory rape as the minor victim engages in sexual acts willingly even when she knows she is not yet 16 years old, which is an adult. Despite being a drug dealer, he goes out on a date with Michelle without teaching her to smoke marijuana, showing that he is the right person. (Legal Information Institute, n.d.)

Todd shoots a neighbor who is picking a newspaper, which shows he is so insecure. If the neighbor covers himself with a hood, Todd might not see who it is appropriately, therefore, thinking he is picking up a gun to shoot him Todd might be involved in a drug cartel that might come after him after his encounter with the police. Killing someone in self-defense is not a crime, as every citizen has a right to defend themselves in case of danger. Todd is familiar with the neighbor and shoots him, thinking he is another person, as he wears different clothes that are worn by his business partners. It is normal for a person in danger to see and imagine unusual things that make him react abnormally.

Todd is first eligible for killing Mary Smith, a 17-year-old teenager who goes missing six months ago as the police find him in possession a vehicle with the teenager's blood stains. Despite Todd hiring the car from an enterprise, he becomes an accomplice to murder as he notices special blood stains and does not report it to the authorities. Todd shoots his neighbor and dies later due to complications, making him get pinned to another murder. Todd will have to prove his innocence beyond a reasonable doubt, as these two scenarios show he is a cold-blooded killer and has unstable mental health. Todd, an eighteen-year-old teenager shooting, explains that he is a pro and a danger to the community around him as he won't think twice about shooting anybody. Accommodating Michelle to his house without a second thought shows that Mary could also be one of his victims, but the relationship goes sideways, thus leading to his murder. Todd might have forced Michelle to engage in the sexual act and warned her not to tell anybody about the incident, which is known as rape. Michelle, as a minor 12 years old, does not know what she is doing, but Todd is fully aware of the act and the consequences. Todd's engagement with Michelle and his rental car's presence of Mary's DNA on the carpet shows that Todd has a norm of associating with teenage girls and forcing them to participate in sexual activity.

Florida v Bostick and the Legal Meaning of Voluntary Search

The following cases: Florida vs. support Todd's charges against him. Bostick incident whereby police searched passage bags and other items in a bus with their permission and came across several kilos of cocaine. The passengers willingly allow the police to search through their pockets without showing any resistance. Bostick police charge him with an offense of trafficking drugs, but he firmly denies that the cocaine was found in his bag. When Bostick appears in a trial, he is found guilty, but on the other hand, the Supreme Court terms those charges against the Constitution. Supreme Court ruled that Bostick was not guilty, citing that if the person in possession of narcotics was aware of cocaine in his bag, he would have resisted the search by the police. This case applies to Todd's possession of cocaine in the back of his trunk; if he were aware of any drugs at the end of his vehicle, he would have resisted a police search. Todd's reaction shows that cocaine belongs to the person who owns that car.

Hudson vs. Michigan- the incident shows the police in possession of a valid warrant to permit the search of Hudson's home premises. The cops find firearms and cocaine after searching his house, but upon entering the house, they fail to knock and notify Hudson that they are outside of the 4th amendment states. The police also fail to wait for 20-30 seconds before entering the house, and later, Hudson is charged with possession of firearms and drugs. The judge during Hudson's trial ruled that narcotics and firearms could be available and maybe not used. Supreme Court holds that the 4th amendment is violated by the police not knocking on his house and notification of their presence and picking evidence in law violation. The cops didn't hurt them and notified Todd of their presence during the legal search of his premises, showing that marijuana was found in his backyard. Thus, the cops invade his privacy. (Legal Information Institute, n.d.)

Schneckloth v Bustamonte and Consent Under the Fourth Amendment

Schneckloth vs. Bustamonte is a case scenario where police find Bustamonte driving a car that has a licensed plate, but the headlights are damaged. Bustamonte carries four passengers, and one of them notifies the police that the vehicle belongs to his family member. Police are permitted to search the car and steal checks, and the police find him guilty. Bustamante has a right to appeal, and the law grants him the right to appeal through the court of appeal, but the Supreme Court denies him the right to appeal. Supreme Court holds that it is not necessary for the defending to be fully aware of his right to appeal according to the 4th amendment. Todd's car, during a police search, finds a credit card belonging to Mary Smith, which gives him a right to appeal to show he is innocent, but on the other hand, the 4th amendment doesn't require Todd to know his rights.

Miranda vs. Arizona- Miranda is arrested by police in his house due to rape and kidnapping allegations. Miranda is taken to the interrogation room in the police station and signs a confession to his charges, but the police fail to notify him of the right to hire a lawyer. Miranda was found guilty by the jury, and during his appeal, the Supreme Court held that he didn't request a lawyer, so his rights were not violated. Todd, on his arrest, didn't request the presence of a lawyer, thus showing his rights are respected.

The prosecutor charges Todd with murder, rape, and possession of drugs. For a prosecutor to build a case, a detailed investigation is conducted to prove to the court that Todd is guilty beyond a reasonable doubt. Todd to go down for murder, the prosecutor has to provide evidence linking Todd to the death of the 17-year-old teenager. On the side of drug possession, the prosecutor has enough evidence to prove him guilty as he grows marijuana in the backyard, and some of it is found on the premises. In a rape case, the victim has to testify that he is forced to engage in a sexual act, but if the victim indicates she is willing, the charges of rape get dropped. If Todd is found guilty of involuntary manslaughter, he will serve 2-10 years in Texas prison. Strict liability: is a word meaning that the defendant has no criminal mind when committing a particular act, for example when Todd accommodates a minor he has no intention of inflicting harm to Michelle. Mens Rea: this word means that a defendant has a criminal mind. Todd shows a thought when he grows marijuana in his backyard. Actus Reus: means doing an act of guilt, Todd proves he is guilty in drug dealing after shooting a neighbor indicating he is a drug cartel member. (Legal Information Institute, n.d.)

References

Legal Information Institute. (n.d.). Statutory rape. https://www.law.cornell.edu/wex/statutory_rape

Legal Information Institute. (n.d.). Age of consent. https://www.law.cornell.edu/wex/age_of_consent

Legal Information Institute. (n.d.). Strict liability. https://www.law.cornell.edu/wex/strict_liability