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

Todd shoots a neighbor who is picking up a newspaper, which shows that he is very insecure. If the neighbor covers himself with a hood, Todd might not see who it is properly and might therefore think that the neighbor is picking up a gun to shoot him. Todd might be involved in a drug cartel that could 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 but shoots him, thinking he is another person because he wears clothes similar to those worn by Todd's business partners. It is normal for a person in danger to see and imagine unusual things that make him react abnormally.

Todd is first suspected of killing Mary Smith, a 17-year-old teenager who went missing six months ago, as the police find him in possession of a vehicle with the teenager's bloodstains. Despite Todd hiring the car from an enterprise, he becomes an accomplice to murder because he notices bloodstains and does not report them to the authorities. Todd shoots his neighbor, who dies later due to complications, causing Todd to be implicated in another murder. Todd will have to prove his innocence beyond a reasonable doubt, as these two scenarios suggest that he is a cold-blooded killer and has unstable mental health. Todd, an eighteen-year-old teenager, shows through the shooting that he is a danger to the community around him because he won't think twice about shooting anybody. Inviting Michelle to his house without a second thought suggests that Mary could also have been one of his victims, but the relationship went sideways, thus leading to her 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 12-year-old minor, does not know what she is doing,

but Todd is fully aware of the act and its consequences. Todd's engagement with Michelle and the presence of Mary's DNA on the carpet of his rental car show that Todd has a pattern 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 case, Florida v. Bostick, supports the charges against Todd. The Bostick incident involved police searching passengers' bags and other items on a bus with their permission and finding several kilos of cocaine. The passengers willingly allowed the police to search through their belongings without showing any resistance. Police charged Bostick with the offense of drug trafficking, but he firmly denied that the cocaine was found in his bag. When Bostick appeared at trial, he was found guilty, but the Supreme Court later deemed those charges unconstitutional. The Supreme Court ruled that Bostick was not guilty, stating that if the person in possession of narcotics had been aware of cocaine in his bag, he would have resisted the police search. This case applies to Todd's possession of cocaine in the trunk; if he were aware of any drugs in his vehicle, he would have resisted a police search. Todd's reaction suggests that the cocaine belongs to the person who owns the car.

Hudson v. Michigan—the incident shows the police in possession of a valid warrant permitting the search of Hudson's home. The cops find firearms and cocaine after searching his house, but upon entering the house, they fail to knock and notify Hudson of their presence, as required by the Fourth Amendment. 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. The Supreme Court holds that the Fourth Amendment is violated when the police fail to knock, announce their presence, and collect evidence in violation of the law. The cops didn't hurt Todd and notified him of their presence during the legal search of his premises, during which 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 v. Bustamonte is a case in which police find Bustamonte driving a car that has a license plate but damaged headlights. Bustamonte carries four passengers, and one of them informs the police that the vehicle belongs to his family member. Police are permitted to search the car and find stolen checks. Bustamante has the right to appeal through the court of appeals, but the Supreme Court denies his appeal. The Supreme Court holds that it is not necessary for the defendant to be fully aware of his rights under the Fourth Amendment. During a police search of Todd's car, officers find a

credit card belonging to Mary Smith, which gives him a basis to appeal and show that he is innocent, but the Fourth Amendment does not require Todd to know his rights.

Miranda v. 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. Upon his arrest, Todd didn't request the presence of a lawyer, thus suggesting that his rights were 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. For Todd to be convicted of murder, the prosecutor has to provide evidence linking him to the death of the 17-year-old teenager. Regarding drug possession, the prosecutor has enough evidence to prove him guilty because 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 she was forced to engage in a sexual act, but if the victim indicates that she was willing, the rape charges are dropped. If Todd is found guilty of involuntary manslaughter, he will serve 2-10 years in Texas prison. Strict liability is a term meaning that the defendant has no criminal intent when committing a particular act; for example, when Todd accommodates a minor, he has no intention of inflicting harm on Michelle. Mens rea is a term meaning that a defendant has a criminal mind. Todd shows a thought when he grows marijuana in his backyard. Actus reus means committing a guilty act; Todd appears guilty of drug dealing after shooting a neighbor, indicating that he is a drug cartel member (Legal Information Institute, n.d.).

References

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