

Severe Crimes And The Defendant's Mental State

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Sentencing Proposal and Legal Framework

We have selected a proposal that has two main parts as the two [different sentencing](#) arguments. These are based on the required outcomes. According to the instructions provided, the team added alternative sentences and intermediate sanctions to show the important aspects of the case. The crime was severe because the sufferance of the victim was severe. It was an extremely terrible crime. In this scenario of the crime, the defendant needs justice as it's the right of the defendant.

Facts and Evidence of the Murder

The details of the case include the victim's sufferance as she was attacked by a knife and stabbed almost 13 times. Her name was OmaUpee, and due to the brutal attack, she died. The evidence of the case includes the fact that the skin particles of the offender were found in the fingernails of the victim. These particles show that the attacker was the one who was responsible for the murder of OmaUpee. The evidence also includes excerpts that belong to the defendant. In these excerpts, the defendant clearly pointed out the planned murder, the time of the attack, and the required resources for the attack, including rope, rag, and a knife that was used for the murder. This evidence is enough to consider the fact that the murder was conducted by students. This evidence is important to declare that the defendant should be charged with a first-degree murder case. As a team, we believe that the brutal attack of the defendant and the cold-blooded murder requires nothing but severe detention, and that is why the case should be charged with a first-degree murder case. In this regard, our choice is to seek the death penalty for the defendant by the court. The death penalty is considered the most appropriate punishment for the defendant as he had taken a precious human life. There is no other reason that is justified for the defendant to live a normal life in society, as he is now a threat to the peace and welfare of society. Suppose we consider some other factors, such as the victim having an uncertain past and also providing the opportunity for the defendant to enter the home. However, these factors are not able to justify the murder, as the victim does not deserve this kind of severe death. In this situation, the death penalty is the most appropriate option for the defendant.

Defendant Competency and Mental State

This case also needs to consider the mental aspects. The analysis of the defendant's mental state of mind is also an important factor. According to the provided evidence, the defendant is completely

competent to stand trial and process thought made clear by the detailed planning of this murder and the careful execution that shows Stu Dents was aware of the difference between right and wrong. If the defendant was not capable of distinguishing between right and wrong, then he would have carried out the act in the victim's apartment as opposed to removing her body and delivering it behind an abandoned building. The journal that is written by the offender shows that he could be a mentally ill patient and does not know about the severity of his acts. He shouted at the arresting officers and called them as if they were aliens. His statements include the arguments that he considered himself as God. Analyzing these aspects, the alternative sentence includes suggested that will include the sentence of life with rehabilitative measures and psychiatric analysis before serving his sentence. According to our viewpoint, the defendant is applying all those tactics to reduce the level of the sentence, and that is why we are not offering any lessened sentence for the defendant. It is not an option to lessen the charge to second-degree murder because it was not an act involving the heat of passion. The defendant planned and executed a brutal murder, not considering the factors why he was committing the crime.

Kidnapping Charge and Supporting Evidence

We are also charging the defendant with the crime of kidnapping. We do not know at this time whether the victim was confined and transported before or after the commission of the crime. However, the victim was held against her will, as shown by the use of the rag in her mouth and the ropes tied around her arms and legs, proving the crime of kidnapping was committed. It is also proven that the victim was moved from the apartment to the back of an abandoned building. Stains on the victim's carpet show that the attack, at the very least, began at the apartment, and the body subsequently moved to the spot where her body was found. This is overwhelming evidence that the victim was bound, gagged, and kidnapped by the defendant, Stu Dents. Finally, the state charges Stu Dents with the assault of a police officer. Upon arresting the defendant, Mr. Dents was extremely violent and combative. He was extremely irrational and was screaming about the end of the world and thought that aliens were working in the police force. Unfortunately, Officer Chur was a victim of this charge when Mr. Dents punched him in the face during the arrest. Several other officers had to subdue Mr. Dents. He continued to resist and yell that the officers were aliens and to let him go because he was God. Mr. Dents is clearly emotionally disturbed; we cannot simply force anyone to assault a police officer during a lawful arrest. Therefore, we are charging Mr. Dents with the crime of assault on Officer Chur and will be requesting the maximum penalty.

Dismissal of Unsupported Charges

Regarding the other two charges brought up originally in this case, burglary crimes related to drugs, the state wishes to drop these charges based on lack of evidence. There is no way to prove that a burglary was committed because the defendant and the victim had a romantic relationship. Any goods may have changed hands willfully and prior to the incident in question. It is not clear if the

defendant used a key to access the apartment that may have been given to him by the victim. We also do not know if drugs were directly related to the crimes committed. The victim and the defendant tested and showed no signs of drugs in his or her systems. Drugs were found at the scene of the crime and in possession of the defendant. Both the victim and the defendant. There is a history of drug use. There is no way clearly to indicate that drugs had anything to do with the crime. These two charges are both inconclusive and insignificant to this particular case.

Requested Sentences Under California Law

Based on California law, the state requests the following sentences. For the charge of first-degree murder, the state requests the death penalty because of aggravating and mitigating circumstances. As an alternative sentence, the state requests life in prison following a psychiatric evaluation and ongoing psychiatric treatment ("California "Kidnapping" Laws defined & explained | Penal Code 207 pc", n.d.). For the charge of kidnapping, the state requests an eight-year sentence because of the aggravating circumstances. California law also states that 85% of this sentence must be served before the convicted is eligible for release , "California Kidnapping Laws", n.d.). For the charge of assault on a police officer, the state requests a two-year sentence ("Penal Code 243(b) & 243(c)(2) – California "Batt,"y on a Peace Officer" Laws", n.d.). We beg the court to sentence the defendant consecutively to ensure that no other individuals are put through the torture and horrible circumstances that the victim, OmaUpee, had to go through. Stu Dents clearly cannot regulate his own behavior and be a productive member of society. Although these sentences will not bring back the victim, they will help as a deterrent for criminals who may think about committing these vicious crimes. We hope the court will consider all our points when rendering the sentence.

References

California "Kidnapping" Laws defined & explained | Penal Code 207 pc. Shouselaw.com. Retrieved 23 March 2018, from <https://www.shouselaw.com/kidnapping.html>

Penal Code 187: California "Murder" Laws (degrees, penalties, defenses). Shouselaw.com. Retrieved 23 March 2018, from <https://www.shouselaw.com/murder.html>

Penal Code 243(b) & 243(c)(2) – California "Battery on a Peace Officer" Laws. Shouselaw.com. Retrieved 23 March 2018, from <https://www.shouselaw.com/battery-po.html>