

The Case of Townsend's Arrest & Entrapment

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Townsend Case and the Entrapment Question

The hypothetical case of Thomas Townsend is peculiar concerning the questions it raises about the actions of law enforcement agencies and the constitutional rights provided to the citizens. Meanwhile, it also provokes the legal context of entrapment by the intervention of agencies to induce citizens to commit crimes. Apparently, the case of Townsend looks like entrapment as the execution took place at the eighteenth attempt after provoking him. Other than the moral and ethical perspective, the said case raises legal questions about the justification of tactics used to arrest a person. Contrary to the citizen's civil rights debate, law enforcement agencies argue that entrapment is a concrete tool to arrest the culprits. Similarly, the respective investigation officers would be able to collect evidence from prosecution perspectives. In this context, charging a person with crime needs concrete evidence and accomplishment of crime conditions according to law, otherwise, the individual would be declared not guilty. However, this essay will explore the plea of Townsend's attorney for dismissal of all the charges by claiming it an entrapment. In addition, it will also elaborate on Townsend's rights under the Fourth and Fifth amendments of the US constitution along with Miranda warnings.

Law-Enforcement Justification and Predisposition

The brief facts of the case apparently provide an opportunity to officials of law enforcement agencies to justify their conduct and actions in this case. Thomas Townsend remained a habitual criminal involved in child or minor abuse. His prior pedophilic record may make the police official suspicious about him to commit such type of crimes again. So, for the safety and security of the surrounding public, the officials take step of entrapment and attempt to find out whether he is still aligned towards child pornography or not. Special mailing circular is developed to check his current mental status regarding pedophilic behavior and after provoking for seventeen times, Townsend's response is nil. At the eighteenth turn, he responds with a bid with a particular amount and officials arrested him after the entrapment of the eighteenth month. Townsend's attorney pleads to dismiss all the charges by claiming the act of officials as entrapment and illegal.

Legal Tests for Entrapment

While dissection this hypothetical case, several serious legal questions may raise and their answers would determine the fate of this case before jury. First, does it really constitute entrapment which

results in the arrest of Townsend? Whether individual civil rights under of safeguard of constitutional amendments been obliged? If it is a proven entrapment, should all the charges on Townsend be dismissed as a whole? As far as the constituent of entrapment is concerned, it can be proved in the light of several facts. The circular is bogus and repeats for eighteen times, inducing interest in individual to commit crime and eighteen months of provoking to a person with open invitation for a crime are shocking. Although, Townsend has criminal history but he did not commit any crime in the area for eighteen months and he resists this commission of crime for seventeen times. So, it is proven entrapment where police activities tend to commit crime instead of rehabilitating the so called 'culprit' in the eye of officials.

Constitutional Search and Due-Process Rights

Moreover, the question regarding civil rights shows the violation of safeguards provided to citizens under the constitutional amendments. The police have crossed the line and infringed the civil rights in this particular case. The fake publication of 'Lustful Lads and Lasses' circular time and again is the violation of Fourth Amendment of the constitution. The said amendment gives protection to individuals against 'unreasonable search and seizures' (Barry, 2020). But here police has crossed all the limits by constituting unreasonable entrapment. The language of circular intends and entices the individual to purchase prohibited material. It is something persuading a person for committing of crime. Similarly, it is violation of the Fifth Amendment which provides the right of due process (Wuerth, 2019). His criminal history is used against him and in fact, he is forced to commit crime according to will of police officials.

Miranda Rights and Criminal Intent

Besides, safeguards provided under constitutional amendments, the case details deliver no record that Townsend is entitled with Miranda warnings. These rights to remain silent at arrest time and right to have legal representative are fundamental rights (Ainsworth, 2020). These are not read to Townsend. In other words, it is an additional violation of those constitutional rights provided to citizens. Moreover, it is yet to be decided that the actions of Townsend need to be addressed as a crime or not. For charging a person with crime *actus rea* must be accompanied with *mens rea* (mind-full intention to commit a crime) (Buckwold, 1999). In this case *mens rea* is absent as it is provoked and enticed action according to trap of police officials but not according to intentions of Townsend.

Conclusion on Police Conduct and Civil Rights

Finally, the above discussion can be concluded that Townsend's case raises significant legal questions with ethical and moral aspects. It is case of deliberate entrapment and such usage by the law enforcement agencies is violation of citizen's civil rights. The police officials violated the constitutional

safeguards provided to citizens of the country under the Fourth and Fifth amendments in alliance with the infringement of Miranda rights. In addition, the psychological provoking of person to commit crime based on his past record is entrapment and sheer injustice when he determines to relinquish his criminal activities. Its proof is his resistance for seventeen times against fake circular of 'Lustful Lads and Lasses'. So, the plea of Townsend's attorney is justifiable that it should be declared an entrapment by police officials and violation of citizens' rights. Hence all the charges should be dismissed by the respective jury.

References

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