

Imagine the following situation: a man, using a fake gun, holds someone up on a busy street, in order to get his wallet. The victim panics and, because of a previous condition, has a heart attack and dies. Is the man with the fake gun still guilty of homicide? Could it be argued that he caused the heart attack of the other man?

Until recently, people knew that a person was dead when his heart stopped beating. Now, the criterion is brain death. So, a person can be dead and have a beating heart. Can you imagine why the criterion changed? What do you think are the advantages of one over the other?

Suppose a man who decides the only way out of his marriage is the death of his wife. So, he contracts a killer to do it. He did not really kill his wife, he paid the other guy. Are both equally guilty?

What about road rage homicides? How would you classify them? Do you think that changing lanes too close to the enraged is adequate provocation to make it manslaughter?

"Involuntary manslaughter usually involves a death that results from the defendant's gross negligence. This is greater than ordinary negligence." Does this mean that there is an ordinary negligence which is not punishable by law?

with the noncustodial parent when contacted, law enforcement can take custody of the noncustodial parent until the child is located or returned.

Summary

Victims of crime are often traumatized by crimes against the person. To serve the needs of people when they are most vulnerable, the criminal justice professional must have a firm working knowledge of the elements of these violent crimes and the differences between similar offenses. We examined the relationship between assault, battery, and aggravated battery. These crimes range in severity from raising a fist in anger to assaults that cause great bodily injury. Sexual offenses are often difficult to prove and even more difficult to defend against. They are charged with emotion because of the severity of the harm to the victims. Evidence of each element must be sought or the prosecution will fail. Law enforcement must also be aware of situations where these offenses are falsely reported. Corroboration is crucial in sexual offenses. Abuse cases are often sad commentaries on poverty and lack of education. Regardless, children and the elderly, two of the most vulnerable groups in society, must be protected. Thorough investigations of all the surrounding circumstances are necessary to prove the abuse or neglect.

Assaults with deadly weapons or explosives, those committed with the intent to rape or rob, and assaults that inflict serious or great bodily injury are all forms of an aggravated assault. What if the assault only intends to ridicule the victim, for instance, throwing eggs at a celebrity or politician?

The definition of mayhem varies, but usually includes some injury that causes dismemberment, disfigurement, or disablement. But think about Elvis; he would have been disfigured, unrecognizable, if someone had shaved his head against his will. Should shaving someone's head be considered mayhem?

Are all seductions rape, or would you distinguish between seducing someone and raping that person, and how would you know the difference?

The days when a rape victim is put on trial and attacked for her reputation, character, social standing, and economic position are over. How correct do you think this statement is?

All states have statutory rape statutes that make an act of sexual intercourse with a female who is not the wife of the defendant a crime if the female is under the age of consent as defined in the statute. So, it is not rape if a man has sexual intercourse with an underage female whose family forced her to marry him because he is wealthy?

All states have a sex offender registration law for convicted sex offenders. There are usually two parts to these laws. The first part is that convicted offenders must register their current address with local law enforcement and renew that registration each year or upon any change of address. For many states, this registration requirement is for life. Why the for-life requirement? Is it the case that sex offenders never change so that "once an offender always an offender"?

Most states require that a fetus have viability before it can be the victim of feticide. Some states set a specific period of gestation for viability while others rely upon a factual determination on a case-by-case basis. Which of the two do you think serves justice better?

A guy on IH-35 was heading north of San Antonio on his Harley-Davidson motorcycle at about 90 miles an hour, with his 7-year-old daughter sitting behind him and tightly holding him around the waist. Is this just a case of speeding or is it child neglect?

A very strict dad secludes a young middle school kid from his friends so that the kid will do his homework, study, and get straight A's in school. The kid does all that, but also wishes he could go and play ball with his friends. Is the dad guilty of some kind of abuse?

The shopkeeper's rule provides protection whenever a shopkeeper reasonably suspects a theft or attempt to not pay a bill. But what if the shopkeeper suspects a theft or an attempt not to pay only because the buyer belongs to a certain ethnic minority?

When a child is kidnapped, the custodial parent may file a missing child report immediately. The National Child Search Assistance Act forbids waiting periods. Does this mean that the custodial parent commits a crime if she waits to report the missing child while hoping to hear from the spouse-kidnapper or the child?

Alternatives to Vehicle Burglary

If the vehicle was not locked or there is insufficient evidence of intent, the defendant might be prosecuted for tampering with a vehicle instead of burglary. It is illegal for any person to willfully injure or tamper with any vehicle or the contents thereof or break or remove any part of a vehicle without the consent of the owner. Any destruction, vandalism, or theft of a part of the vehicle qualifies as tampering. The prosecutor can also charge joyriding when there is a lack of evidence as to either a break-in or intent to permanently deprive the owner of possession. Joyriding is the illegal driving of a person's vehicle without permission and does not require intent to permanently deprive.

Summary

Crimes against habitation are extremely dangerous because the occupant of a business or home is vulnerable and can be trapped by the arsonist or burglar. Although arson at common law covered only occupied dwellings, modern statutes cover all structures capable of occupation. Although most acts of arson only require a general intent, in this chapter we discovered that a defendant must have the specific intent to defraud when the subject property that is burned belongs to the defendant. This higher level of intent is to prevent accidental burnings from being prosecuted as arson. We have seen that burglary statutes have changed and the common law elements have been eliminated or made more general. Breaking is no longer needed and all types of structures are protected by burglary statutes. Intent must still exist at the time of entry. Entry can be actual or constructive and only needs to be slight.

Could there be someone who commits arson not because of a political motivation, divorce, or domestic violence, emotional disputes, mental illness, vandalism, and financial gain, but because of aesthetic reasons: he likes to see things burn?

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

Someone lives in a wedge-shaped, two-walled structure on the side of a hill and has no roof because he likes to see the stars as he goes to sleep. Does the structure qualify as a dwelling? Why yes/no?

Given the significance and difficulty of their task, do you think that arson investigators should have special training? If so, what should be the foundation of the training?

Would you rather have the common law definition of burglary or the definitions that all states now have?

If a person enters a dwelling, during a downpour, and when no one is inside, is it a burglary? Or does the law state that in such emergencies you may enter a dwelling without permission?

People do not live in airplane hangars, so, if someone enters one with the intention of stealing something from the cockpit of an airplane is he committing a burglary?

Why should nighttime burglaries receive a harsher sentence than daytime ones? What could be the rationale?

If you enter an old, uninhabited house in your neighborhood simply to see what is inside and then you find something you take, are you guilty of theft, or burglary, or something else?

What if a person enters the commercial establishment where he works, after business is closed, in order to photograph some papers that will allow him to accuse the owner of tax evasion; is he stealing data from the private papers of his boss? Has he committed a burglary? Would possession of the camera show his intent?

A guy works at AAAACME Key Service and has been issued the equipment necessary to open doors and then make copies. He is found, at night, in front of the back door of a house in a very expensive neighborhood. He has got in his possession the equipment that he was issued. He claims that he only entered the premises because he was looking for his cat. How could you prove that he intended to commit a burglary?

A guy in Langtry, Texas, finds a horse saddled and tied to a tree and there is no one around. The guy decides to steal some tacos and a small bottle of tequila from the saddlebags. Is he committing a vehicle burglary?