Assault, Battery, and Crimes against Persons

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Assault, Battery, and Crimes against Persons

This assignment explores three different scenarios which involve laws related to assault, battery and self-defense.

**Scenario 01**

# Question 01

According to the federal criminal system, an assault with a deadly weapon is when one attempts to hit a person or perform an act that causes the victim to rationally expect imminent harm. In some states, assault does not need to involve physical contact and the felon can still be convicted for it. While the aggravated battery is defined according to the law as an act of Battery with a deadly weapon. It entails the use of a deadly weapon by the offender in the commission of the crime (Currul‐Dykeman, 2014).

         The similarity between assault with a deadly weapon and aggravated battery is that both the crimes require the use of a deadly weapon when the crime is being committed. A deadly weapon is an object which is likely to cause death or severe bodily harm. The common examples of deadly weapons include a gun and a large knife. It is due to the reason that they are intrinsically dangerous and are intended to cause injury.

The example of assault with a deadly weapon is intentionally pointing a gun at a person as a threat. Examples of aggravated battery are hitting someone with a weapon or hazardous object, shooting someone with a gun, battery which causes impermanent or permanent disfigurement, or any other severe injury, and also battery against anyone belonging to a legally protected class which includes police officers, social services workers, healthcare providers, disabled or an elderly person.

# Question 02

According to the situation, the act of pointing the knife at (A) is considered an assault with a deadly weapon. As the deadly weapon which is a knife, in this case, can cause serious harm to (A). Even though, it has not inflicted harm yet but according to law, the attacker will be tried for assault with a deadly weapon. Assault is considered in most states as the intent to harm, even without physical contact with the victim.

Next, the man strikes (A) and rips the handle of the purse. At this moment, the act of assault is converted to the conduct of battery. As major injury was inflicted on (A) when the attacker stroke. It is a petty offense, but the attacker will be tried for it. The man will be charged for the aggravated battery as he hit (A) with the knife which is categorized as a deadly weapon.

**Question 03**

               In this scenario, the attacker hit the victim (A) with a knife which is considered as a deadly weapon. At first, he threatened (A) while pointing the knife at her and later hit the victim. This is the reason the conduct of the attacker is considered as aggravated battery. The use of weapons intensifies the situation as it has the potential to inflict a serious injury on the victim (Scheb & II, 2008). As in this case, the key factor is the use of a weapon which makes the initial assault and the battery as assault with a deadly weapon and aggravated battery respectively.

               So, the fact pattern that would change the scenario from assault with a deadly weapon and aggravated battery to simple assault or battery, is the absence of deadly weapon. This means that if the attacker omits the use of a weapon while he demands the purse and as he hits, the charges will drop from aggravated battery and assault with a deadly weapon to simple assault and simple battery.

               For the prosecution of an aggravated battery charge, a jury looks for the factors which would raise a battery charge to an aggravated battery charge. In most of the states, a firearm and a knife are considered a deadly weapon. If the deadly object used is other than these two, it is the responsibility of the prosecution to prove that the alleged object could potentially inflict serious harm or result in the death of the victim.

**Scenario 02**

**Question 01**

According to federal and state laws, the act of kidnapping is defined as taking someone against their will, from one place to another. Illegal imprisonment of a person in a closed and controlled space is also considered as kidnapping. The purpose of illegal confinement is usually for purposes including torture for certain demands or facilitation of another criminal activity. In cases, where the parent takes their child, without legal custody rights, the parents can be charged for kidnapping the child. Conventionally, detention and movement of a person are considered to be a serious injury for the victim, and for this rationale kidnapping and similar felonies are categorized as serious crimes (“A Rationale of the Law of Kidnapping,” 1953). Thus, kidnapping is a serious offense and mostly prosecuted in state courts. If the case crosses the state limits, the federal authorities can get involved and take control of the case.

After the world-renown kidnap and murder of Charles Lindbergh's infant son, a federal kidnapping statute which is now known as the **Federal Kidnapping Act** 18 U.S.C. § 1201(a)(1) was approved by U.S. Congress and later in 1932, it became a law. It allows the federal authorities to get involved and hunt down the kidnappers once the state lines are crossed. According to the Federal criminal code (18 U.S.C. Section 1201), kidnapping is a serious criminal offense, and the offender can be sentenced for 20 or even more years, according to the past charges on criminal and current circumstances.

           In the changed scenario, the attacker forces the victim to the car while pointing a knife at her. According to this change, the offender will be charged for kidnapping as he takes the victim against her will and forces her to stay in the car even after the police demands her to step out. Hence, this fulfills the criterion of kidnapping.

**Question** **02**

The act of kidnapping includes taking one person against their will from one place to another or confining them to a closed space. On the other hand, the taking hostage denotes someone who is detained by a captor as insurance against any harm from the law enforcement. Generally, the hostages are apprehended for forcing a government entity or community to fulfill conditions given by the captor. The conditions can include the safe exit of the captor, release of prisoners, ransom, etc.

           Despite that kidnapping and taking hostage are two different offenses based on their purposes, but both these crimes are equally offensive and critical. Both the crimes involve a person’s life at stake and thus none of these can be taken lightly or prioritized one over another.

**Scenario** **03**

**Answer 01**

In the third scenario, the argument elevates to an extent that (A) pulls out a knife from her purse and swings it at the attacker. The attacker, in this case, did not threaten in any way as presumed from the scenario. So, the attacker requires to defend himself. The attacker has received a serious threat from (A), and it seems that if he does not defend himself, he may be seriously injured with the deadly weapon. However, before any tactic of self-defense, the attacker must try to resolve the issue, but if the situation persists the attacker is authorized to use force for his defense. If on further investigation, it turns out there was no good rationale for (A) to swing the knife at the attacker, she can try for the assault with a deadly weapon (Schachter, 1989).

References

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