U.S. v. Bailey, 444 U.S. 394

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# Facts of the Case

 The defendant during the premise of this case seems to have crawled through a window and a bar and the intent was to escape the Federal prison. They were all eventually recaptured after they gathered in large numbers from month to about three months. The claims that was put forward by the defendants was that while they were in the prison, they were suited and exposed to bad conditions (United States v. Bailey, 1980). There were frequent fires in the jail as well as the eventual threat of a beatdown all the time (Law, 1990). The evidence suggested that other inmates and the guards were involved in such activities. They used to set fire to the trash and bedding as well as the throwing these objects into the cells blocks. The other thing that was quite common was that how frequently guards used to be beat defendants and threatened to kill them all the time (Law, 1990).

# Legal Issues in the Case

 The first thing that has to be seen with respect to the legal issues in this case is that what are some of the rules that seem to be applying over here. The main legal rule under which the whole case is supposed to be administered is as followed.

“Duress excuses criminal conduct where the actor was under an unlawful threat of imminent death or serious bodily injury, which threat caused the actor to engage in conduct violating the literal terms of the criminal law.”

 The other major issue that has to be looked at during the course of this case is that how there is supposed to be sufficient evidence with regards to the way constitute duress for the submission to the jury is needed to be worked out at the given point of time (United States v. Bailey, 1980).

# Court’s Decision

 The holding of the case was determined on the fact that it was not reversed. One of the prime reasons due to which it was not reversed is due to the fact that how blue the line exists between the duress and the necessity in the given case (Law, 1990). The claim can be made that how the duress is supposed to be acting under the threat of the conditions any other person would been able to resist in the given point of time or if there is a reasonable belief on their part that how the criminal action was needed to make sure that the much more serious harm could have been avoided in the given case. It sought to be prevented from the statute by making sure that the clear definition of the offense has to be in place when the whole decision-making process is supposed to be carried out (Gordon, 1993). The law on the other hand dictates that how the choices that are undertaken by the defendant in this case are laid out. The main premise and the rationale for the reversal of the decision is based on the fact that if there was a reasonable alternative instead of breaking the law, then there was a need to make sure it should have been taken. The other thing that is very important during the course of the whole legal process is that how the effort must have been made to make sure that the avoidance of the threat of the harm could have been avoided at the given point of time. The argument can be made that how the case of the defendant has failed in the given duress (Gordon, 1993).

# Rationale for the Decision

 In this case, the escapee needs to make sure that they are offering evidence with regards to the way initial escape planned out and how the continued departure to the defines of the duress seems to have worked out. Even if the case can be made that the defendant had fled to make sure that they are avoiding the threat claims, the fact that their seems to have been continued absence on their part during the course of the duress and how the evidence has to be presented to make sure that they must be presenting the evidence of the custody (Gordon, 1993). The main reason that the custody has to be presented is due to the fact that how the initial element of the duress is eliminated during the course of the whole process and how it has subsided at the given point of time. So that critical aspect has to be taken care of all the time in terms of the way legal ruling was witnessed in this case (Gordon, 1993).

# Dissention Opinion

 The decision of the defendant to not return is not conclusive in its nature as well as their lack of ability to claim the duress or escape due to the necessity. The other thing that can be seen during the case is that how their eventual desire is witnessed to not to return to the same prison and endure the same conditions as they had been enduring earlier. It could have been part and parcel of their desire not to return to the same prison and endure the same atrocities that they previously endured. It is for the jury to decide their reasons for not returning.

**References**

Gordon, B. A. (1993). Criminal knowledge and the new Clean Air Act: Potential judicial constructions. *Ariz. St. LJ*, *25*, 427.

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