Assignment

Name

Institution

Assignment

Vehicular manslaughter is a serious offense in America, and if a driver hits another car due to his own negligence then he, for sure, will be charged with vehicular manslaughter. However, in the contemporary case, the defendant G. Mitchel is 17 years old young boy who hit another car while texting. The only point in above case that makes a difference is Mitchel is 17 years old that makes him a minor. In order to prepare G. Mitchel to appear before jury and for the trial I, as a defense attorney have to meet all the deadlines i.e. from requesting the jury trial to telling my opponent the witness I plan to call at trial. The second step will be to choose a judge for this trial instead of a jury because the case involves complicated law. A judge will be preferred over jury because judge, in such cases, applies laws better than the jury does. As far as the sentencing is concerned, G. Mitchel is 17 years old and he is exactly the same as an 18 years old boy, he is minor or juvenile. He may get treated according to the severity of crime he committed, and the punishment might be closer to that for adults because the damage on life is inflicted due to his negligence. Albeit manslaughter due to negligence while driving is a severe crime and damage inflicted is also severe and irreversible, and punishment is necessary, however, juvenile counseling is also important. In this particular case a judge can, by no means, downplay the importance of juvenile counseling.

Considering the sensitivity of the case and the severity of damage inflicted upon the victim, prosecutors have decided to try G. Mitchel as an adult. The repercussions for G. Mitchel, while being tried as an adult, would be serious. If traffic police and medical reports testify that the alcohol level in Mitchel’s body was lower than the threshold set by law the maximum sentence would be a year or two in jail because driving while texting (or vice versa) is a felony instead of a moving violation. The real reason for the necessity of deciding to try some minors as adults have to do with the nature of how the legal structure works (Hemmens, Brody, & Spohn, 2019).

There is a need to realize that the definition of what a minor is and what an adult is, to begin with, is an entirely artificial one, and it is specific and different within the law. Further, it varies from one locality to another, and can even vary according to the accused crime. The designation of being minor is arbitrary, and the way society treats minors is dramatically different than how society treats with adults. The whole concept of the juvenile justice system is flawed and it seems very few are looking for a meaningful solution. Our current premise is that under a certain age, a human does not have either, the full knowledge of right and wrong, or does not have the ability to control their behavior. Then, at the stroke of midnight, everything changes and they are fully responsible for their actions.

The law states: “if you break the law you pay” (Hemmens et al., 2019). Every case is different, as is every juvenile and there're numerous variables to consider. Some crimes are premeditated**,**which means --if committed by a juvenile or an adult--they knew exactly why they committed the crime and the effects (Jackson, 2012). Should a juvenile be punished as an adult is not a relevant factor, since the only factor to be considered, is the crime committed, and whether or not it was premeditated or committed out of anger or unchecked emotion. Everyone deserves a second chance to be redeemed. Sometimes suffering after realizing one’s mistake and feeling "genuine regret" is sufficient punishment, although the law might not see it that way.  In a case of that kind, I think the punishment being handed out should take into consideration the persons redeemable qualities.

**References**

Hemmens, C., Brody, D. C., & Spohn, C. (2019). *Criminal courts: A contemporary perspective*. Sage Publications.

Jackson, M. R. (2012). *The media and underage drinking and driving: A study of student perceptions at one mid-sized southern university*. Southeastern Louisiana University.