Descriptive Statistics

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Descriptive Statistics

**Analysis of incident**

At around 20:43, This assault incident happened 111 at Felony Drive, Happy Town, GA 15486, on August 16, 2016. Michael Smith, the eye witness had called 911 when he saw a white male who was bleeding from his face. The reporting officer was Colt Winchester and the incident was reported as ‘Crime Against the Person’.

Before the incident occurred, Samuel Clark, the victims who was going to visit a female friend named Summer Breeze. She is lives at 111 Misdemeanor Lane and her house is one block away on east from Samuel Clark. Around the corner of block, Samuel Clark saw two white men coming towards him. They were identified as Bubba Hurt and Skeeter Redrum by an eyewitness, Alan Skittles, who is store owner Eat & Run Café. Soon both white men started shouting at Samuel Clark. They yelled at him for meeting Summer Breeze and demanded that he would not meet her ever again. Samuel Clark did not respond to both men. It started raining, so he opened umbrella, he was carrying and continued walking to north on Felony Drive. Then from back, Bubba Hurt pushed Samuel Clark due to which he fell to the sidewalk. So, it is clear that Bubba Hurt was the one who began with assault. Samuel Clark tried to get up and during that, Skeeter Redrum kicked him in the face. Due to this thrust, Samuel Clark again fell onto the ground. Bubba Hurt started to kick him while Samuel Clark laid on his back on the ground. After this attack, Samuel Clark took his umbrella and waved towards Bubba Hurt which injured him in the eye. As soon as Samuel Clark got up from the ground, Summer Breeze hit him with her shoe, in side of the head. According to the statement of the eye witness, Skeeter Redrum helped her take off her shoe to hit Samuel Clark. After this strike, Samuel Clark fell unconscious.

Michael Smith informed 911 to report and call for help. Next, police officers responded to the call. Both injured Bubba Hurt and Samuel Cark were arrested and sent to hospital. While Skeeter Redrum and Summer Breeze were arrested and sent to Police Headquarters.

Bubba Hurt due to severity of injury died at the hospital, on the other hand, Samuel suffer from an untreatable brain injury.

**Legal Presumptions**

Depending upon the severity of action, it is classified as a crime of particular degree and punishment for it set. Before applying charges, it is necessary to understand the legal terms and their effective punishment.

Assault is a charge for all activities that can harm a person or inflict fear of being harmed. Apart from hitting and injuring someone, threatening someone for a physical harm is also categorized as assault. If a mere threat is severe enough to make someone feel that life is in danger or maybe harmed financially or physically, the person making threats can be charged with simple assault.

Laws slightly differ from one state to another, and classification and punishment for each also vary accordingly. Threatening someone is considered simple assault but when this changes to actually harm, it comes under the category of aggravated assault.

In state of Georgia, the battery is considered as misdemeanor. It has to involve “substantial physical harm” or “visible body harm”. However, it must not be accidental or a joke between friends. Physical harm which includes bruises and swells on body, are considered as visible harm.

**Charges against Individuals**

Georgia District Attorney's Offices will be prosecuting this case and charges will be brought up according to the Georgia Criminal Code (2010), Title 16 - Crimes and Offenses. Charges against each individual and penalties are as follows:

****Bubba Hurt****

Bubba Hurt was pronounced dead at the hospital after he carried there. According to American law, the dead cannot be prosecuted for any crime. According to the law, a federal defendant who is dead before the appeal of right will be cleared of all convictions and charges against him or her. However, if the survivor or victim has to suffer for some reason, and the reason could be prevented if the defendant was alive, the case can be processed.

****Skeeter Redrum****

Skeeter Redrum was the second person to hit the victim, Samuel Clark and before hitting him, he yelled threats at him which is considered as simple assault.

According to the second article: Assault and Battery, of Chapter 5: Crimes Against the Person, from Title 16: Crimes and Offenses, the use of abusive and threatening language is justifiable as simple assault or battery. For this action, a person can be charged and punished. At the beginning of events, Redrum yelled at Clark. And then physical assault started. Thus, it is justifiable to try Redrum for the simple assault. The penalty for this is up to 1-year imprisonment and fines as high as $1,000, probation, and compensation. In case the assault involved a public-school employee, public transportation, firearm, a pregnant woman, senior citizen, or a family member, the punishment can be raised to an aggravated offense, additionally with penalties which are imprisonment up to one year and a fine of $5,000.

           Secondly, for kicking Samuel Clark when he tried to get from the sidewalk, Redrum will be charged for an aggravated battery according to Georgia Code 2010, Title 16: Crimes and Offenses, Chapter 5: Crimes Against the Person, Article 2 - Assault and Battery § 16-5-24 - Aggravated Battery.

           According to a witness, Alan Skittles, he also helped Summer Breeze take off her shoe to hit Clark in the head. However, it is according to one of the witnesses out of three and at that time, it was raining. So, this statement will require more investigation. In case it is proven, he can also be tried for being accessory to assault.

****Summer Breeze****

Summer breeze only attempted assault once when she struck the victim Clark in his head with her shoe. After this, the victim fell unconscious. After admission to the hospital, it was found out he is inflicted with permanent brain injury. Thus, according to Georgia Code 2010, Title 16 - Crimes and Offenses Chapter 5 - Crimes Against the Person Article 2 - Assault and Battery § 16-5-24 - Aggravated Battery O.C.G.A. 16-5-24 (2010) 16-5-24, charges for Aggravated Battery will be pressed against her. Her act had the most severe effects on the victim. According to 16-5-24 (2010), if one brutally causes physical injury to a person by depriving of a body part, by making a body part useless, or by extremely damaging a body part it is considered as the offense of aggravated battery.

****Samuel Clark****

Samuel Clark is the victim of this incident and his only use of force was after he was hit repeatedly. As per clause (a) of Georgia Code 2010, Title 16: Crimes and Offenses, Chapter 3: Defenses to Criminal Prosecutions, Article: 2 - Justification and Excuse, a person can defend him or herself in case he or she is attacked violently by someone, given that use of force is only way to prevent injury or death. However, If the person initially triggers someone for attack then it is not considered as self-defense.

           In this case, Clark did not provoke the Redrum or Hurt for the attack. He also did not use force until he was kicked and injured repeatedly. His use of force is justified by the last strike to his head which made him fall unconscious and now he suffers from the permanent brain injury for the rest of his life.

All these punishments are according to the laws of the State of Georgia. As a District Attorney, it will be justified to bring up all these charges against the 3 individuals.

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