

Classification of Crimes

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The United States of America was founded on principles such as liberty and justice for all. Sadly, amongst the members of any society and in any civilization there are always degenerates and those who commit immoral and unethical acts. In an effort to curtail acts which bring harm or threat to the safety of others, laws needed to be written down and enforced. Not all crimes or infringements on others' rights and liberties can be easily compared, nor can they all be punished with similar severity. For this reason, crimes as written of, and detailed in, state and federal statutes needed to be classified. Each state has taken a slightly different approach, but essentially all criminal acts can be divided into two broad categories: felonies, and misdemeanors. In this treatise I will notate differences between the two, address examples of each, and examine a case study involving grand theft, reckless driving, and property damage.

Of the two primary classifications for crimes, a misdemeanor represents the less severe of the two (Misdemeanor, 2010). Some examples of crimes which fall under the classification of misdemeanor include assault, battery, disorderly conduct, resisting an officer without violence, driving with a suspended license, driving under the influence of alcohol or other drugs, loitering, domestic violence, the first conviction for prostitution, possession of a certain amount of marijuana, and petty theft, to name a few (The Law Place, 2017). Obviously this is not meant to be an exhaustive list, but a good start to establish understanding. Citizens are held to the standards of the law regardless of whether they know of them and their substance, or not. For this, and other reasons, the written law must document with certainty and clear comprehensibility that law's requirements and restrictions as well as the elements necessary to obtain a conviction for the crime. For the Court to obtain conviction, it must seek four elements: responsibility for an offending act of commission, omission or possession, a willful intent to commit said offense, a relation between

the defendant's actions and the resulting offense, and what is termed as concurrence, or, in essence, that the willful intent led to the offending action or occurred at the same time (Criminal Law, 2010). Persons convicted, and found to be guilty of misdemeanors, are generally punished with any combination of: fees, fines, probation, community service hours, incarceration at a county jail for less than one-year, or a mitigated sentence involving part-time incarceration, such as jail time to be served only on the weekends (Crowd Sourced Encyclopedia, 2002).

The more severe of the two classifications for crimes is termed, a felony. Examples of crimes which are felonies include: burglary, robbery, manslaughter, murder, treason, arson, and kidnapping (Felony, 2010). Misdemeanors are traditionally non-extraditable offenses, while felonies are extraditable. In short, this means that the sheriff of a particular county may request other county sheriffs of the state where the crime occurred to detain the accused to be brought to the originating county's jail, but may not arrest or detain the accused while he resides outside of the jurisdiction of the state. Felonies, on the other hand, are extraditable offenses and law enforcement may detain the accused in any state or country with whom the United States holds a reciprocal agreement or treaty. The elements for conviction by the Court remain the same as in misdemeanors, essentially boiling down to having the means to commit the crime, a motive, and the opportunity. Having been found guilty of a felony by a court of law is a very serious thing and, depending on the State wherein conviction occurred, offenses can result in the death penalty or life imprisonment at a state correctional facility. In the State of Florida, felonies are divided into first, second, and third degrees and carry either greater than fifteen years imprisonment, five to fifteen years imprisonment, or under five years imprisonment respectively. Often times we consider the devastation a perpetrator inflicted on a victim, but we must also consider the impact on the defendant. Persons who sustain a felony conviction and get released often suffer from severe

mental and emotional trauma sustained by years of abuse by correctional officers and continuous conflict between inmates whose liberties, dignity and self-identity have all been stripped from them. Often times convicted felons are housed in pairs and spend large amounts of time in cells no larger than 80 square feet, smaller than a standard bathroom. Persons having been convicted of felonies had been previously taken away from society with no warning or time to get their affairs in order. They return to society having lost their job, their house or housing, to face enormous unpaid credit card debt with compounded interest, and to face rejection by family or friends. To further compound their depressing return to society they often must then face intense probation restrictions and community control supervision as well as fees and fines imposed by the Court and calculated as to the financial cost to prosecute. Returning to society, felons are often rejected for employment and housing while being judged crucially by nearly everyone in society with whom they come into contact henceforth. Additional liberties are stripped away including the right to vote and the right to bear arms in self-defense, among many others. Each of these considerations must be noted when seeking to fully define the punishment that comes with a felony conviction.

Upon examining critical differences between misdemeanors and felonies, I now present the following case study on Jason Chapman. Chapman stole a vehicle from the driveway of an individual named Colette Dewhurst. While driving the car away from the residence at an excessive speed, Chapman ran into the front window of a building owned by a Mr. Raymond Miller. Miller's store sustained extensive damage. Often times criminal actions carry civil liability as well. We'll examine that and the criminal offenses for which Chapman may be charged, including grand theft and reckless driving.

In our case study, Jason Chapman will be arrested by county sheriff's deputies at gunpoint for several criminal offenses, to include grand theft and reckless driving. He may be assessed a

bail bond amount based on his criminal offense history, if any, and the crimes he is being charged with. Chapman will be required to appear before a 24-hour appearance judge in the county's circuit court and the judge will assess if there was sufficient evidence for probable cause for the arrest. He will then, weeks later, face an arraignment court hearing where the Court will formally charge him with the crimes as the State's attorney has outlined in the document he submitted to the court, which is called an information. While Dewhurst will be wanting to sue Chapman for the theft of her car, the repair bills to restore it operationally, lost wages, attorney's fees, and damages, she will most assuredly obtain a judgment against Chapman after he has been found guilty in Court for his criminal charges. Raymond Miller, the shop owner, will also seek to sue Jason Chapman for restitution for damages sustained to his building as well as loss of income and attorney's fees. He too will obtain a judgement against Chapman and his next battle will be actually obtaining enforcement of that judgement. Since Chapman will spend years in prison, he will be released jobless and with seemingly insurmountable debt. Getting him to pay on these civil judgments will be a challenge as he struggles just to afford food, housing, probation fees, court costs, and other basic necessities for himself. If he has kids and owes alimony or child support, collection on some civil judgments will be next to impossible. Civil actions are quite commonly taken after criminal convictions (Brockman Law Firm, 2018).

As to the criminal charges which may be filed against Chapman, the State absolutely will have jurisdiction and every legal authority's backing (in Florida, the applicable Florida Statutes) to take action against Chapman. Once the county sheriff's deputies have arrested Chapman, it will be up to the State Attorney's office of state prosecutors to decide which charges they will formally file against him (Nolo, 2011). Choosing which charges to file is always weighed against the prosecutor's personal beliefs about applicable laws and estimation of his or her likelihood to

successfully obtain a conviction based upon considering the evidence and the personal notoriety of the individual charged (SAGE Publications, 2012). The State Attorney's position is an elected one and elections are won and lost, at times, based on one's record of convictions which he has obtained. Often times the State Attorney's office prosecutor will file charges which are of a higher degree or severity to ensure that the defendant takes a plea bargain, possibly for lesser charges or just lesser sentencing time. A conviction is still a conviction of record, regardless of whether it is obtained by a jury's verdict or a defendant's plea bargain.

In the United States, the courts' prosecutors and defending attorneys represent players in an adversarial process. Each attorney puts on his best case and presentation utilizing evidence which he can actually prove within the rules of court. The whole process is less about seeking the truth and more about who has the most compelling evidence and what can actually be proven from that evidence. The law serves four principal functions: to establish standards, to maintain order, to resolve disputes, and to protect liberties and rights (Lumen Learning, n.d.). In our case study, the law is serving to maintain order and protect the liberties of the owner of the vehicle and those of the shop owner. No matter one's particular views about the laws in the United States, it is considered to be the most fair, just, and judicial legal system of any other country in the world. Citizens are wise to study local and state laws and to always consider if his or her actions are ethical and moral. After all, that is the foundation on which law in the United States was built on.

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