Jim Brendlinger

Street Law – A4

Chapter 11 Questions

**11.1.a.** Guilty. The Burglar was running away, not posing a threat. But, since he was committing a crime the sentence should be less. Ms. Urbanski should be tried with voluntary manslaughter.

**b.** Mr. Peter’s defense could be that Takeshi did not identify himself and he continued to approach him, in the dark of the night, and in a bad neighborhood. Which was when Mr. Peter’s thought him to be someone who meant him harm, and fired.

**c.** No. If my state had a Make My Day law then the sentence would be less drastic. And, anything less than voluntary manslaughter would be unreasonable for the use of deadly force in response of a misdemeanor like petty theft.

**d.** I think the owner can use force to prevent the crime. But, only force that matches the significance of the crime. I don’t think he should be able to use deadly force however. Because, an expensive necklace is not worth a human life.

**11.2.a.** The insanity defense is when a defendant pleas insanity, not guilty or innocent. The basis of the plea is that the person charged did not know or understand what they were doing during the crime, and do not know the difference between right and wrong. This defense can only work if the person was insane during the criminal act. Therefore, if the person was sane before the act, sane after the act, sane during the trial, *is* sane, and perhaps is a heinous criminal then the plea may be unsuccessful.

**b.** I think the insanity defense should be kept as is, and be reinstated in Montana, Idaho, and Utah. Because if someone with a mental disease or disorder was residing in one of those three states and is committed of a criminal act they should have the right to a fair trial in accordance of their condition and considering they were unknowing of the crime. A mentally ill person shouldn’t have to suffer in a prison, but instead attempt to be safely rehabilitated in a mental institution. The fate of their sentence shouldn’t have to rest on the results of poll information from Americans, who believe heinous criminals abuse the insanity defense. While, in reality that happens more in movies and almost never in reality.