

## Chapter 1 : Criminal Matters

*Enter your mobile number or email address below and we'll send you a link to download the free Kindle App. Then you can start reading Kindle books on your smartphone, tablet, or computer - no Kindle device required.*

Cooperate with the officer. If you are in doubt, request an attorney and state that you want any further questioning to be done in front of your attorney. Courts have held that law enforcement officers can stop you and ask that you identify yourself. They can also ask you where you are going and where have you been. Keep your answers short and concise. Do not volunteer information or give rambling answers. Many students feel compelled to play 20 questions when confronted by a Police Officer. When confronted by an officer of the law for any type of violation, the best thing you can do is to cooperate. Do not play 20 questions. Do not try to hide anything. Do not play the wise guy. If you decide to give the officer a hard time, it will only make the situation worse and possibly lead to an arrest. Provide the officer with all basic information and request an attorney to be present during questioning. You have the right to remain silent. Do not give explanations, excuses, or stories. Save your defense for when you are in court. Tell the police nothing but your name and address. You have the right to have a lawyer. If you cannot afford to hire a lawyer, you have the right to a free lawyer. Ask to see a lawyer immediately. Do not make any decisions about your case without talking to a lawyer. You have the right to make phone calls. When you are arrested, you are entitled to make phone calls within the local area to a lawyer, bail bondsman, a relative or any other person. It is a good idea to call a relative or friend first who can make other calls for you. You have the right to appear before a Judge on the next court day for a hearing on release on bond or without bail. You may ask the Judge to lower your bail or to be released "on your own recognizance" without bail. Keep in mind that you have a constitutional right not to answer questions and to seek the help of your attorney. Generally, if you are charged with a minor misdemeanor criminal offense you do not have to appear in Court and can pay a bond to waive your appearance. These types of offenses are not punishable by jail. The following are examples of minor misdemeanor offenses: If, on the other hand you are charged with an offense that is classified as something greater than a minor misdemeanor such as a 4th degree, 3rd degree, 2nd degree, 1st degree or any type of felony offense you will need to appear in Court as these offenses are punishable by a possible jail sentence. Examples of these types of offenses include: Your first scheduled court appearance before a Judge is called an arraignment. At this hearing, your identity will be confirmed orally, you will be informed of your constitutional rights by the Judge, and the charge against you will be read. You will be asked how you wish to plead: If you plead guilty or no contest the Judge will impose the sentence. If you plead not guilty, the matter will be set for a court trial at a later date. Student Legal Services does not appear at jail or arraignment. For representation, please contact us after you have been arraigned. This is an informal meeting with the Prosecutor to discuss the facts of the case to determine if the case can be resolved without a trial. At your trial, the Judge will often only hear testimony from all witnesses, with the State proceeding first. If witnesses do testify for the defendant or the defendant testifies, such persons are also subject to cross-examination by the prosecuting attorney. The questions should be asked in a concise objective, and non-argumentative manner. A defendant who chooses to testify and who is not represented by counsel, can testify in narrative form. Sometimes, no witnesses appear at trial for the State. The Judge will normally grant this request. If you are found guilty, normally the Court will consider the circumstances of the offense, your past record, and any other helpful information before passing sentence. The defendant should be prepared to present such information to the Judge in an objective manner before the sentencing occurs. Expungement is a legal process in which you can clean up your criminal record. Generally, to be eligible for expungement, you: Must be a first offender A certain amount of time must pass between conviction and requesting the expungement of that conviction for misdemeanors, that time period is one year Have no pending criminal charges at the time of the request Have been "rehabilitated". In a college atmosphere students are susceptible to the pressure from peers to consume alcohol. Most college students consume their first prior to reaching the specified age required by law. You have a responsibility to follow the laws of your city, state, and nation. If you fail to live up to that

responsibility, you may face certain penalties. This section describes the potential legal consequences of committing an alcohol-related criminal offense. Underage Consumption, Purchasing or Possession of Alcohol: The legal drinking age in Ohio for consumption of an alcoholic beverage is 21 years old. Anyone purchasing, possessing, or consuming alcohol prior to their 21st birthday is guilty of a first-degree misdemeanor. Providing Alcohol to an Underage Person: Further, a person who furnishes alcohol to an underage person is guilty of a first-degree misdemeanor. Thus, a social host faces criminal liability for allowing underage persons to consume alcohol at his party if he knows the person is not 21 years of age. Possession or display of a fictitious identification is a first-degree misdemeanor. Do you get loud and boisterous when you drink? Do you have violent tendencies when you consume alcohol? Disorderly conduct occurs when one recklessly causes inconvenience, annoyance, or alarm to another due to offensive conduct. Disorderly conduct while intoxicated can be charged as a fourth degree misdemeanor or a minor misdemeanor. Not only is Driving Under the Influence a great way to harm yourself and others, it is also a criminal offense. In addition, the operator must forfeit his driving privileges for at least 3 months. Penalties increase with each successive driving while under the influence offense and may also vary depending upon the results of any chemical tests administered by law enforcement. In Ohio, it is illegal to possess in public an open container of alcohol either in public or in a motor vehicle.

Chapter 2 : Matters of felony ( edition) | Open Library

*Here's a neat example of the present paralleling the past to the advantage of a publisher. Recently, in Sicily, a young man abducted an unwilling heiress, eloped with her into the hills and there (by tradition and common sense, it is assumed) he made off with her honor. Instead of playing the local.*

If a party has been fully heard on an issue during a jury trial and the court finds that a reasonable jury would not have a legally sufficient evidentiary basis to find for the party on that issue, the court may: A resolve the issue against the party; and B grant a motion for judgment as a matter of law against the party on a claim or defense that, under the controlling law, can be maintained or defeated only with a favorable finding on that issue. A motion for judgment as a matter of law may be made at any time before the case is submitted to the jury. The motion must specify the judgment sought and the law and facts that entitle the movant to the judgment. No later than 28 days after the entry of judgment or if the motion addresses a jury issue not decided by a verdict, no later than 28 days after the jury was discharged the movant may file a renewed motion for judgment as a matter of law and may include an alternative or joint request for a new trial under Rule In ruling on the renewed motion, the court may: If the court grants a renewed motion for judgment as a matter of law, it must also conditionally rule on any motion for a new trial by determining whether a new trial should be granted if the judgment is later vacated or reversed. The court must state the grounds for conditionally granting or denying the motion for a new trial. If the motion for a new trial is conditionally denied, the appellee may assert error in that denial; if the judgment is reversed, the case must proceed as the appellate court orders. Any motion for a new trial under Rule 59 by a party against whom judgment as a matter of law is rendered must be filed no later than 28 days after the entry of the judgment. If the court denies the motion for judgment as a matter of law, the prevailing party may, as appellee, assert grounds entitling it to a new trial should the appellate court conclude that the trial court erred in denying the motion. If the appellate court reverses the judgment, it may order a new trial, direct the trial court to determine whether a new trial should be granted, or direct the entry of judgment. Notes As amended Jan. July 1, ; Mar. The present federal rule is changed to the extent that the formality of an express reservation of rights against waiver is no longer necessary. Motion Picture Patents Co. United States, 74 F. The requirement that specific grounds for the motion for a directed verdict must be stated settles a conflict in the federal cases. Note to Subdivision b. For comparable state practice upheld under the conformity act, see Baltimore and Carolina Line v. New York Life Ins. See also Thayer, Judicial Administration, 63 U. The practice, after the court has granted a motion for a directed verdict, of requiring the jury to express assent to a verdict they did not reach by their own deliberations serves no useful purpose and may give offense to the members of the jury. No change is intended in the standard to be applied in deciding the motion. A motion for judgment notwithstanding the verdict will not lie unless it was preceded by a motion for a directed verdict made at the close of all the evidence. The amendment of the second sentence of this subdivision sets the time limit for making the motion for judgment n. Thus the time provision is made consistent with that contained in Rule 59 b time for motion for new trial and Rule 52 b time for motion to amend findings by the court. Subdivision c deals with the situation where a party joins a motion for a new trial with his motion for judgment n. San Roman, U. However, courts as well as counsel have often misunderstood the procedure, and it will be helpful to summarize the proper practice in the text of the rule. The amendments do not alter the effects of a jury verdict or the scope of appellate review. Subdivision c 1 then spells out the consequences of a reversal of the judgment in the light of the conditional ruling on the new-trial motion. And the appellate court, if it reverses the judgment n. The appellee may assert this error in his brief, without taking a cross-appeal. Subdivision c 2 , which also deals with the situation where the trial court has granted the motion for judgment n. In arguing to the trial court in opposition to the motion for judgment n. Subdivision c 2 is a reminder that the verdict-winner is entitled, even after entry of judgment n. If in these circumstances the motion is granted, the judgment is superseded. In some unusual circumstances, however, the grant of the new-trial motion may be only conditional, and the judgment will not be superseded. See the situation in Tribble v. Even if the verdict-winner makes no motion for a new trial, he is

entitled upon his appeal from the judgment n. Subdivision d deals with the situation where judgment has been entered on the jury verdict, the motion for judgment n. The verdict-winner, as appellee, besides seeking to uphold the judgment, may urge upon the appellate court that in case the trial court is found to have erred in entering judgment on the verdict, there are grounds for granting him a new trial instead of directing the entry of judgment for his opponent. In appropriate cases the appellate court is not precluded from itself directing that a new trial be had. Nor is it precluded in proper cases from remanding the case for a determination by the trial court as to whether a new trial should be granted. The latter course is advisable where the grounds urged are suitable for the exercise of trial court discretion. Subdivision d does not attempt a regulation of all aspects of the procedure where the motion for judgment n. It is, however, designed to give guidance on certain important features of the practice. No substantive change is intended. The revision of this subdivision aims to facilitate the exercise by the court of its responsibility to assure the fidelity of its judgment to the controlling law, a responsibility imposed by the Due Process Clause of the Fifth Amendment. United States, U. The revision abandons the familiar terminology of direction of verdict for several reasons. The term is misleading as a description of the relationship between judge and jury. It is also freighted with anachronisms some of which are the subject of the text of former subdivision a of this rule that is deleted in this revision. Thus, it should not be necessary to state in the text of this rule that a motion made pursuant to it is not a waiver of the right to jury trial, and only the antiquities of directed verdict practice suggest that it might have been. Finally, the change enables the rule to refer to preverdict and post-verdict motions with a terminology that does not conceal the common identity of two motions made at different times in the proceeding. Such a motion should be treated as a motion for judgment as a matter of law in accordance with this rule. Paragraph a 1 articulates the standard for the granting of a motion for judgment as a matter of law. It effects no change in the existing standard. That existing standard was not expressed in the former rule, but was articulated in long-standing case law. See generally Cooper, Directions for Directed Verdicts: Because this standard is also used as a reference point for entry of summary judgment under 56 a , it serves to link the two related provisions. Such early action is appropriate when economy and expedition will be served. In no event, however, should the court enter judgment against a party who has not been apprised of the materiality of the dispositive fact and been afforded an opportunity to present any available evidence bearing on that fact. In order further to facilitate the exercise of the authority provided by this rule, Rule 16 is also revised to encourage the court to schedule an order of trial that proceeds first with a presentation on an issue that is likely to be dispositive, if such an issue is identified in the course of pretrial. Such scheduling can be appropriate where the court is uncertain whether favorable action should be taken under Rule Thus, the revision affords the court the alternative of denying a motion for summary judgment while scheduling a separate trial of the issue under Rule 42 b or scheduling the trial to begin with a presentation on that essential fact which the opposing party seems unlikely to be able to maintain. Paragraph a 2 retains the requirement that a motion for judgment be made prior to the close of the trial, subject to renewal after a jury verdict has been rendered. Santa Fe Trail Transp. The Fellows Gear Shaper Co. At one time, this requirement was held to be of constitutional stature, being compelled by the Seventh Amendment. New York Insurance Co. The second sentence of paragraph a 2 does impose a requirement that the moving party articulate the basis on which a judgment as a matter of law might be rendered. The articulation is necessary to achieve the purpose of the requirement that the motion be made before the case is submitted to the jury, so that the responding party may seek to correct any overlooked deficiencies in the proof. The revision thus alters the result in cases in which courts have used various techniques to avoid the requirement that a motion for a directed verdict be made as a predicate to a motion for judgment notwithstanding the verdict. The information required with the motion may be supplied by explicit reference to materials and argument previously supplied to the court. This subdivision deals only with the entry of judgment and not with the resolution of particular factual issues as a matter of law. The court may, as before, properly refuse to instruct a jury to decide an issue if a reasonable jury could on the evidence presented decide that issue in only one way. This provision retains the concept of the former rule that the post-verdict motion is a renewal of an earlier motion made at the close of the evidence. One purpose of this concept was to avoid any question arising under the Seventh Amendment. It remains useful as a means of defining the appropriate issue

posed by the post-verdict motion. A post-trial motion for judgment can be granted only on grounds advanced in the pre-verdict motion. Often it appears to the court or to the moving party that a motion for judgment as a matter of law made at the close of the evidence should be reserved for a post-verdict decision. This is so because a jury verdict for the moving party moots the issue and because a pre-verdict ruling gambles that a reversal may result in a new trial that might have been avoided. For these reasons, the court may often wisely decline to rule on a motion for judgment as a matter of law made at the close of the evidence, and it is not inappropriate for the moving party to suggest such a postponement of the ruling until after the verdict has been rendered. In ruling on such a motion, the court should disregard any jury determination for which there is no legally sufficient evidentiary basis enabling a reasonable jury to make it. The court may then decide such issues as a matter of law and enter judgment if all other material issues have been decided by the jury on the basis of legally sufficient evidence, or by the court as a matter of law. The revised rule is intended for use in this manner with Rule 56. Thus, the court may combine facts established as a matter of law either before trial under Rule 56 or at trial on the basis of the evidence presented with other facts determined by the jury under instructions provided under Rule 49 to support a proper judgment under this rule. This provision also retains the former requirement that a post-trial motion under the rule must be made within 10 days after entry of a contrary judgment. The renewed motion must be served and filed as provided by Rule 5. A purpose of this requirement is to meet the requirements of F. Revision of this subdivision conforms the language to the change in diction set forth in subdivision a of this revised rule. Revision of this subdivision conforms the language to that of the previous subdivisions. This amendment makes clear that judgments as a matter of law in jury trials may be entered against both plaintiffs and defendants and with respect to issues or defenses that may not be wholly dispositive of a claim or defense. Notes of Advisory Committee on Rules—Amendment 2007. The only change, other than stylistic, intended by this revision is to prescribe a uniform explicit time for filing of post-judgment motions under this rule—no later than 10 days after entry of the judgment. Previously, there was an inconsistency in the wording of Rules 50, 52, and 59 with respect to whether certain post-judgment motions had to be filed, or merely served, during that period. This inconsistency caused special problems when motions for a new trial were joined with other post-judgment motions. These motions affect the finality of the judgment, a matter often of importance to third persons as well as the parties and the court.

**Chapter 3 : Criminal Record Checks**

*Matters of Felony: A Reconstruction by Weiner, Margery and a great selection of similar Used, New and Collectible Books available now at [calendrierdelascience.com](http://calendrierdelascience.com)*

Nana Gyamfi criminal defense and human rights attorney. Richards was found guilty Wednesday of unlawfully attempting to remove a suspect from police custody, a felony. Transcript This is a rush transcript. Copy may not be in its final form. We turn now to California. This is Democracy Now! At the time, Jasmine was one of the key organizers demanding justice for Kendrec McDade, a year-old African American who was shot and killed by Pasadena police in The arrest and jailing of a young black female activist on charges of felony lynching sparked a firestorm of controversy. Her sentencing is scheduled for next week. She faces up to four years in prison. Nana and Melina, welcome back to Democracy Now! So, until the final conviction, this was called felony lynching. Thank you so very much, Amy, for having us on the show. The allegations are that when the police were attempting to arrest a person, who was not related to the demonstration and the peace march that Jasmine Richards was having, that when they were trying to arrest that person, that she made some effort to get that person out of the custody of the police. And in this case, there was no riot. What you had were children on scooters and a couple of adults who were speaking up about state-sanctioned violence in Pasadena, about police murdering unarmed people in Pasadena, about the community coming together to talk about investing in the community and not investing in the police. And, Nana Gyamfi, can you talk about the origin of this law, or previous law, felony lynching? It is demeaning to what little integrity the criminal justice system may have. She ought to be ashamed, as well as the deputy district attorney that pursued this case, Christine Kee. I want to go to Jasmine Richards in her own words, in this video posted online last year. Kendrec McDade is currently the youth that I am specifically doing all these actions around. Leroy Barnes, he was killed by the Pasadena police. Big homie named Big BA also killed by the Pasadena police. Our police have been notorious for bullying. Since I was a child, these police have scared me. I know their first and last names. I felt like we needed a group out here that stood up to that injustice. Instead all of us being scared and just doingâ€”wasting our time and not organizing and sitting at the park without any programs to help us, I felt like I should do something. Do you feel that Jasmine was targeted for her political activity? And if you can talk about the significance of this conviction and what Jasmine now faces? Thank you for having us. Yes, Jasmine was absolutely targeted in this arrest and many other arrests. So, Pasadena is a relatively small suburb of Los Angeles. And that system, the system that creates state-sanctioned violence, also deprives communities of resources. So, when Jasmine was awakened, she did a phenomenal job of also awakening all of the folks in her community. So, as Nana Gyamfi described, you know, she had children who were working with her. She had young people who were working with her. She had folks who had maybe been on the corner a week ago working with her and recognizing that the system needs to be transformed. And so that poses a threat to the existing social order that wants to keep black poor people, especially, oppressed. And so, Jasmine is our Bunchy Carter. Jasmine is a political prisoner and represents probably the hugest threat to the state, in that the folks at the bottom can recognize their own oppression and rise up against it. Now, her conviction is hugely significant, because her conviction is not only about punishing Jasmine Richards, but also is the lynching. But also, you leave the body hanging from a tree to send a signal to the rest of those black folks who might want to get out of line, and remind them that the state has more power than they do. But I think that in the end, what we seeâ€”we had a packed courtroom for the entire trial. What we see is we are not going for this anymore. We are not going to let our folks be lynched. We are working continuously for justice for Kendrec McDade, for Ezell Ford, for Wakiesha Wilson, Jamar Clark and all of those that the state has murdered, but also for the freedom and the right to protest and really vision a new system that gets us free. She has chosen the name Jasmine Abdullah, but the state knows her as Jasmine Richards. We are going to continue to struggle for her freedom, because our freedom is bound up with her freedom. And out of 55 jurors, there were only two black jurors, which is very much below the representative percentage both of Pasadena, which is 13 percent, and of L. County, which is 8 percent. And we, in fact, asked for the jury to be dissolved at the very beginning, based

upon the panel that we received. We ended up with a panel that was about half-white; the rest of the folks on the panel were between the Chicax-Latinx community and the Asian Pacific Islander community. And again, going back to those images once again, it is the jury without black people that then decides that the lynching of Jasmine Abdullah is appropriate. Please attribute legal copies of this work to democracynow. Some of the work s that this program incorporates, however, may be separately licensed. For further information or additional permissions, contact us. Next story from this daily show.

**Chapter 4 : 5 Ways to Remove a Felony From Your Record - wikiHow**

*Matters of felony by Margery Weiner, , Atheneum edition, in English - (1st American ed.).*

After the Matter of Robles, decision, the respondent in that case had filed a petition for review with the Ninth Circuit. The central question in the amicus invitation was whether the Board should follow Robles-Urrea outside of the Ninth Circuit. In Matter of Mendez, the Board finally reached its answer, reaffirming its precedent from Matter of Robles nationwide outside of the jurisdiction of the Ninth Circuit. Please see our blog post to learn more about the Amicus Invitation [ see blog ].

**Factual and Procedural History:** He had been admitted to the United States as a conditional permanent resident on January 28, , and the conditions were removed on his permanent resident status in . On December 17, , the respondent was convicted in Federal court of misprision of a felony in violation of 18 U. In reaching her decision that 18 U. On appeal, the respondent asked the Board to reverse its holding in Matter of Robles that 18 U.

**Second Circuit Asks for Clarification from the Board:** Thus, the Ninth Circuit decision in Robles-Urrea created a split between it and the Eleventh Circuit on the question of whether a conviction in violation of 18 U. In , the Second Circuit, in its decision in Lugo v. Specifically, the Second Circuit wanted the Board to state whether it would continue to follow its decision in Matter of Robles, and by effect, the analysis in Itani, or whether it would, going forward, follow the Ninth Circuit decision in Robles-Urrea. Please see our article on the crime involving moral turpitude analysis in Matter of Silva-Trevino to learn more [ see article ]. As we noted in the introduction, the Board would, for reasons that we will explore in subsequent sections, affirm its determination in Matter of Robles that 18 U.

**Language of Federal Misprision of a Felony Statute:** Please see our collection of articles on the categorical and modified categorical approaches to learn more about how they are used in the immigration context [ see article ]. The Board noted that the Second Circuit applied the realistic probability test in Efstathiadis v. Following this approach, the Board first looks to determine if the statute of conviction categorically defines a crime involving moral turpitude. If the statute encompasses non-turpitudinous conduct that has a realistic probability of being prosecuted, the Board then looks to determine whether the statute is divisible, that is, whether it sets forth separate offenses with distinct elements.

**Applying the Framework to 18 U.** The DHS argued that taking steps to conceal a felony is reprehensible conduct that is, in and of itself, morally turpitudinous. To this effect, the Board cited to a number of circuit court decisions holding that statutes intended to criminalize concealment of wrongdoing defined crimes involving moral turpitude. The respondent and amici in support of the respondent took the position that concealment itself is not a crime involving moral turpitude unless the underlying felony is a crime involving moral turpitude. The Ninth Circuit extended its reading of 18 U. However, the Board would hold in the instant case that the misprision of a felony statute in 18 U. The Board noted that a conviction in violation of 18 U. On this point, the Board agreed with the Fifth and Eleventh Circuits. Furthermore, the Board noted that 18 U. The Board noted that 18 U. Furthermore, the Board noted, as have multiple circuit courts, that charging documents for misprision of a felony generally specify that the act of concealment was willful. Federal jury instructions on 18 U. In Matter of Espionza, the Board held that misprision of a felony under 18 U.

**Conclusion** Following the Ninth Circuit decision in Robles-Urrea, there was uncertainty as to whether the Board would continue to follow its prior precedent holding that a conviction for misprision of a felony in violation of 18 U. In Matter of Mendez, the Board reaffirmed its prior holding, meaning that it remains in accord with the Fifth and Eleventh Circuits. Going forward, Immigration Judges and the Board will treat a conviction for misprision of a felony under 18 U. Within the jurisdiction of the Ninth Circuit, Robles-Urrea v. Holder holds, and a conviction in violation of 18 U. The Ninth Circuit has jurisdiction over the following states and territories: An alien who is facing criminal charges should always seek guidance on the potential immigration consequences of a conviction or plea deal. Ask a Question Want to schedule a consultation? We offer a 15 minute free consultation for asylum seekers only.

## Chapter 5 : Perjury - Wikipedia

*Note: Citations are based on reference standards. However, formatting rules can vary widely between applications and fields of interest or study. The specific requirements or preferences of your reviewing publisher, classroom teacher, institution or organization should be applied.*

Blackmail Broadly, felonies can be characterized as either violent or nonviolent: Violent offenses usually contain some element of force or a threat of force against a person. Some jurisdictions classify as violent certain property crimes involving a strong likelihood of psychological trauma to the property owner; for example, Virginia treats both common-law burglary the breaking and entering of a dwelling house at night with the intent to commit larceny, assault and battery, or any felony therein and statutory burglary breaking and entering with further criminal intent but without the dwelling-house or time elements, such that the definition applies to break-ins at any time and of businesses as well as of dwelling houses as felonies. Some offenses, though similar in nature, may be felonies or misdemeanors depending on the circumstances. For example, the illegal manufacture, distribution or possession of controlled substances may be a felony, although possession of small amounts may be only a misdemeanor. Possession of a deadly weapon may be generally legal, but carrying the same weapon into a restricted area such as a school may be viewed as a serious offense, regardless of whether there is intent to use the weapon. Additionally, driving while intoxicated in some states may be a misdemeanor if a first offense, but a felony on subsequent offenses. In the course of the 20th century, however, American jurisdictions eliminated the distinction among the first three categories. Classification by seriousness[ edit ] A felony may be punishable with imprisonment for two or more years or death in the case of the most serious felonies, such as murder. Indeed, at common law when the British and American legal systems divorced in , felonies were crimes punishable by either death or forfeiture of property. All felonies remain a serious crime , but concerns of proportionality i. In some states, all or most felonies are placed into one of various classes according to their seriousness and their potential punishment upon conviction. The number of classifications and the corresponding crimes vary by state and are determined by the legislature. Usually, the legislature also determines the maximum punishment allowable for each felony class; doing so avoids the necessity of defining specific sentences for every possible crime. Virginia classifies most felonies by number, [7] ranging from Class 6 least severe: Some felonies remain outside the classification system. Massachusetts classifies felony as an offense that carries any prison time. Ohio classifies felonies by degree ranging from first, second, third, fourth, to fifth degree. First-degree felonies are the most serious category, while fifth-degree felonies are the least serious. This is broadly the approach taken by the Model Penal Code , although the Code identifies only three degrees of felony. However he concedes that "the idea of felony is indeed so generally connected with that of capital punishment, that we find it hard to separate them; and to this usage the interpretations of the law do now conform. During the 19th century criminal law reform incrementally reduced the number of capital offenses to five see Capital punishment in the United Kingdom , and forfeiture for felony was abolished by the Forfeiture Act Consequently, the distinction between felony and misdemeanor became increasingly arbitrary. The surviving differences consisted of different rules of evidence and procedure, and the Law Commission recommended that felonies be abolished altogether. Arrestable offenses were abolished in , [12] and today crimes are classified as indictable or summary offenses.

**Chapter 6 : NACDL - Race Matters: The Impact of Race on Criminal Justice**

*It was still more impossible to remain in the department of the Oise, one of the most open and strictly guarded in France; this was quite out of the question, especially to a man like Andrea, perfectly conversant with criminal matters.*

Wednesday, June 1, 8: Her attorney, Nana Gyamfi, is at right. Photo - Brandon Villalovos A visibly shaken Jasmine Richards, leader of Black Lives Matter Pasadena, stood in a corner Wednesday morning, huddled against a soda machine, on the ground floor of the Pasadena Courthouse, trembling, as her attorney, Nana Gyamfi, consoled her. The court had just called. Others had been initially charged, but the charges had been eventually dropped or reduced. No African-American had actually ever stepped into a courtroom to face the charge. Richards has been a very visible member of the Black Lives Matter Pasadena community over the last year. She consistently refused to speak with the press, and advised her group of followers to do the same, yet spoke up loudly at City Council meetings, usually in matters concerning the Pasadena Police and the Black community. The court called again. Where is the defendant? The group gathered in the small elevator. Richards had been arrested and charged with felony lynching following a Saturday, August 29, incident in a Pasadena restaurant in which a young black woman was detained after allegedly not paying for her meal. According to Pasadena Police Lt. Tracey Ibarra, who first described the incident to Pasadena Now the day after it occurred, the operator heard the sounds of a commotion in the background. Meanwhile, supporters of an earlier Black Lives Matter march were mingling in the park across the street from the altercation in the restaurant. Those marchers and their supporters then reportedly heard and saw the altercation between the business owners and the young woman, as their fighting spilled out onto the sidewalk in front of the restaurant. Ibarra said that when the police arrived, the suspect was across the street from the restaurant and in the park, among the Black Lives Matter supporters. At that point, the officers were duty-bound to effect the arrest. Ibarra picked up the story again. This is going to go really bad. In a video of the incident provided to Pasadena Now by the witness, police can be seen pulling back. A number of people, some carrying signs from the march or wearing Black Lives Matter shirts, scuffle with the officers. Police appear to form a defensive ring around officers who are struggling to handcuff the suspect. Richards is visible in the video among those in the group which encircled and faced off against the police. During the video of the commotion, a number of Black Lives Matters supporters and police can be seen in physical contact with each other. But they showed no emotional intelligence. If one of those officers took the time to talk to people, things would have [gone] much different. The only individual arrested, said Ibarra, was Benita Gina Escoc, 20, of Pasadena, the young woman connected with the restaurant incident, who was arrested for battery. The charge would also have covered delaying or obstructing a law enforcement officer performing his or her duties. The boy had allegedly been involved in attempts to free the suspect from the police and had also allegedly kicked a police vehicle during the fracas, a criminal offense. Two nights later, Pasadena police arrested Richards in Northwest Pasadena and booked her for allegedly committing four crimes during the incident in the park that Saturday afternoon. Richards was arrested for inciting a riot, child endangerment, delaying and obstructing peace officers in the discharge of their duties, and the lynching offense. By the time Richards had come to trial this month, only the lynching charge remained. She stood, went back to her mother for a hug, then returned to her seat. Judge Lu agreed, smiling. As they turned to leave, the jury began to enter the courtroom. Richards sat back down. As the clerk calmly read the charge and the verdict, Richards trembled again, seemingly caught completely off-guard. One juror, a white, mids blonde woman, wept as the verdict was being read. The jury was mostly white, with two Asians and one Latino. The jury found Jasmine Richards guilty as charged. The jury was polled, at the request of attorney Gyamfi. The verdict was unanimous. Then, while the attorneys discussed whether Richards should be taken immediately into custody or not, Richards seemed to focus. Still wearing a fearful look on her face, her tears had stopped. Her attorney cited her friends and small group of followers in the courtroom, and their support during the trial, saying that Richards had support in the community and should be granted bail. Judge Lu agreed with the probation department report, and ordered Richards into custody. Judge Lu also ruled that Richards had violated an earlier probation by being charged with two

## DOWNLOAD PDF MATTERS OF FELONY

additional misdemeanors while out on bail. Now, standing before the Judge, Richards quietly listened as Lu outlined the charge and the conviction. She would be returning to the courtroom Tuesday, June 7, for sentencing. The probation department has recommended days, plus one day, on the charge. The maximum sentence for conviction on this charge is four years. We must love each other and support each other! As Richards entered the holding cell doors to the right of the courtroom, her words echoed in the narrow hallway. Richards will return to the court on June 7 to answer her two pending misdemeanor charges, along with her formal sentencing on the felony lynching charge.

### Chapter 7 : MATTERS OF FELONY by Margery Weiner | Kirkus Reviews

*This set of forms is for use in felony criminal matters. The forms must be filed in the district court or in the circuit court as appropriate. See also the indexes for general, general criminal, criminal disposition, motor vehicle offense, and probation forms which are used in felony criminal matters as appropriate.*

### Chapter 8 : Felony - Wikipedia

*such felony or felonies a term of imprisonment of at least 5 years, applies to all aggravated felony convictions, as defined in section (a)(43) of the Act, regardless of when conviction occurred, with the exception of the crimes added to the aggravated.*