

FIELD: LAW-CIVIL

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You are either the prosecutor or the defense lawyer faced with the following scenarios and issues. Boobie Clark hit a defenseless player in the back during a football game, after the play; and was sued in Court; Deshaun Watson was accused of over 25 counts of sexual assault, all off the football field and settled out of court; Ron Artest went into the stands to hit a spectator after the game, but not the one who threw a bottle at him; Calvin Klein walked onto the Court during the middle of the game to talk to a player (Latrell Sprewell); and I “accidentally” threw my friend to the ground while playing basketball in the school yard. There is no right or wrong answer, just ones that do, or do not analyze and apply the materials we have learned.

Introduction:

As a prosecutor or a defense lawyer, it is essential to analyze the given scenarios and issues and apply the legal principles we have learned to make informed decisions about how to proceed with each case. This paper will examine five different scenarios and discuss the legal issues associated with each case. The scenarios include Boobie Clark hitting a defenseless player during a football game, Deshaun Watson being accused of over 25 counts of sexual assault, Ron Artest going into the stands to hit a spectator after the game, Calvin Klein walking onto the Court during the middle of the game to talk to a player (Latrell Sprewell), and accidentally throwing a friend to the ground while playing basketball in the schoolyard.

Boobie Clark:

In the first scenario, Boobie Clark hits a defenseless player in the back during a football game after the play. This scenario raises several legal issues, including assault, battery, negligence, and intentional infliction of emotional distress.

Assault occurs when one person intentionally places another person in fear of an imminent harmful or offensive contact. Battery, on the other hand, occurs when one person intentionally causes a harmful or offensive contact with another person. In this case, Boobie Clark intentionally hit a defenseless player in the back, which could be considered a battery. Additionally, Clark's action could be considered negligent because he did not exercise reasonable care to avoid injuring the other player. Finally, the defenseless player could argue that Clark's actions caused emotional distress.

As a prosecutor, I would investigate the incident to determine if Clark's actions were intentional or accidental. If the evidence supports a finding of intentional conduct, I would consider charging Clark with battery or assault. If the evidence supports a finding of negligence, I would consider charging Clark with negligence. As a defense lawyer, I would argue that Clark's actions were accidental and that he did not intend to harm the other player. I would also argue that Clark did not breach any duty of care owed to the other player and that the other player assumed the risk of injury when participating in the game.

Deshaun Watson:

In the second scenario, Deshaun Watson is accused of over 25 counts of sexual assault, all off the football field and settled out of court. This scenario raises several legal issues, including sexual assault, civil liability, and settlement agreements.

Sexual assault is a criminal offense that involves non-consensual sexual contact. If the allegations against Watson are true, he could face criminal charges and civil liability. Additionally, Watson's decision to settle the cases out of court raises questions about the validity and enforceability of the settlement agreements.

As a prosecutor, I would investigate the allegations to determine if there is sufficient evidence to support criminal charges. If there is sufficient evidence, I would consider charging Watson with sexual assault. As a defense lawyer, I would argue that Watson is innocent until proven guilty and that the allegations against him are false. If Watson did settle the cases out of court, I would argue that the settlement agreements are valid and enforceable unless there is evidence of fraud, duress, or undue influence.

Ron Artest:

In the third scenario, Ron Artest goes into the stands to hit a spectator after the game, but not the one who threw a bottle at him. This scenario raises several legal issues, including assault, battery, and self-defense.

Artest's actions could be considered a battery or an assault if he intentionally caused a harmful or offensive contact

Reference's

Section 113 of Civil Procedure Code deals with the provision of reference. Under the provision of Section 113, a lower or subordinate court can reach out to higher court for the doubt in order to avoid the misinterpretation of the law which is called reference. Parties through an application can move the reference to the High court. Lower Court can apply the provision of reference suo-moto in case of any doubt with respect to any legal provision. The lower court is not bound to refer to the High Court other than in case of validity of legal provision. It helps the lower court to avoid commission of error while pronouncing the judgement. The subordinate court can use its right to reference in the following situation:

In case of any question arising in the court at the time of entertaining the suit with respect to the validity of any act, rules, order, ordinance etc.

Where the court has the opinion or feels that any provision of the law is invalid or not in the power of court (“ultra-virus”).

The High Court or Supreme Court must have not made such question on the provision of law invalid.

The court feels that it is important to take the reference of high court for ascertaining the validity of the provisions mentioned in the law before disposal of any case.

There can be two types of doubts which need to be referred under this section.

In case, the doubt has arisen with respect to any Act or law, it is mandatory for the lower court to take the reference or opinion from the High court.

However, in case the doubt has come up during proceedings, it is not mandatory for the lower court to take the opinion of the High Court. The lower court can suo-moto refer to the High Court.

Contributors: Elias, Muller, and Rantanen

Publisher: University of Iowa

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Rules and Laws for Civil Actions is an open-access resource for law students containing the U.S. Constitution, Federal Rules of Civil Procedure, Federal Rules of Evidence, Federal Rules of Appellate Procedure, and selected federal and state statutes. The book was created by a team of faculty members at the University of Iowa College of Law to supplement the study of Civil Procedure, Evidence, Constitutional Law, and other law school courses. In addition to containing the official text, each legal source found in Rules and Laws for Civil Actions is accompanied by an introductory section written by an Iowa Law professor explaining its significance and background.

Civil Rights and Liberties

Copyright Year: 2023

Contributors: Solberg, Clairmont, Jeknic, Mason, and Metzdorf

Publisher: Open Oregon Educational Resources

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This volume focuses on the constitutional doctrine and law in the areas of civil rights and liberties. It contains excerpts of landmark cases covering the first amendment, second amendment, fourteenth amendment and the right to privacy. The excerpts include the constitutional issues in these cases that are related to civil rights and liberties with other questions of law and dicta omitted.

Tort Law: Cases and Commentaries - 2nd Edition

Copyright Year: 2021

Contributor: Beswick

Publisher: CanLII: Canadian Legal Information Institute

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The law of obligations concerns the legal rights and duties owed between people. Three primary categories make up the common law of obligations: tort, contract, and unjust enrichment. This casebook provides an introduction to tort law: the law that recognises and responds to civil wrongdoing. The material is arranged in two parts. Part I comprises §§1-11 and addresses intentional and dignitary torts and the overarching theories and goals of tort law. Part II comprises 12-25 and addresses no-fault compensation schemes, negligence, nuisance, strict liability, and tort law's place within our broader legal systems.

Religion in the Law: An Open Access Casebook - First Edition

Copyright Year: 2021

Contributor: Dunman

Publisher: L. Joe Dunman

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This casebook features nearly sixty cases from American courts that involve, in some important way, religious belief and action. The book is divided into sections: First Principles, Establishment, Free Exercise, and Special Problems. Each section includes landmark or otherwise influential cases that have influenced American law and religious practice. Most cases come from the U.S. Supreme Court but the lower federal and state courts are also represented.

Open-Source Property: A Free Casebook

Copyright Year: 2015

Contributors: Clowney, Grimmelmann, and Grynberg

Publisher: Open Source Property

License: CC BY-NC

Open Source Property: A Free Casebook is a free resource for instructors and students of the first-year Property Law course at American law schools, and anyone else with an interest in subjects.

Fundamentals of Business Law

Copyright Year: 2020

Contributors: Randall and Students

Publisher: Melissa Randall

License: CC BY

Undergraduate business law textbook written by Melissa Randall and Community College of Denver Students in collaboration with lawyers and business professionals for use in required 200 level business law courses in the United States. This book is an introductory survey of the legal topics required in undergraduate business law classes.

Business Law I Essentials

Copyright Year: 2019

Contributors: Valbrune, De Assis, and Cardell

Publisher: OpenStax

License: CC BY-NC-SA

Business Law I Essentials is a brief introductory textbook designed to meet the scope and sequence requirements of courses on Business Law or the Legal Environment of Business. The concepts are presented in a streamlined manner, and cover the key concepts necessary to establish a strong foundation in the subject. The textbook follows a traditional approach to the study of business law. Each chapter contains learning objectives, explanatory narrative and concepts, references for further reading, and end-of-chapter questions.

Law 101: Fundamentals of the Law

Copyright Year: 2018

Contributor: Martella

Publisher: Open SUNY

License: CC BY

Law 101: Fundamentals of Law, New York and Federal Law is an attempt to provide basic legal concepts of the law to undergraduates in easily understood plain English. Each chapter covers a different area of the law. Areas of law were selected based on what legal matters undergraduates may typically encounter in their daily lives. The textbook is introductory by nature and not meant as a legal treatise.

Intellectual Property: Law & the Information Society—Cases and Materials

Copyright Year: 2016

Contributors: Boyle and Jenkins

Publisher: James Boyle, Jennifer Jenkins

License: CC BY-NC-SA

This book is an introduction to intellectual property law, the set of private legal rights that allows individuals and corporations to control intangible creations and marks—from logos to novels to drug formulae—and the exceptions and limitations that define those rights. It focuses on the three main forms of US federal intellectual property—trademark, copyright and patent—but many of the ideas discussed here apply far beyond those legal areas and far beyond the law of the United States.

Torts: Cases and Contexts Volume 2

Copyright Year: 2016

Contributor: Johnson

Publisher: CALI's eLangdell® Press

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Plain-spoken and convivial, this casebook makes a deliberate effort to explain the law, rather than to provide a mere compilation of readings and questions. Simple concepts are presented simply. Complex concepts are broken down and accompanied by examples and problem's.