

39/45

Blue Book

NAME

SUBJECT *Introduction to Law*

INSTRUCTOR *Belle*

EXAM SEAT NO.

SECTION

DATE *8/16/11*

GRADE

8

(2) Explain the rule of lenity and how it applies in criminal cases.

The rule of lenity is applied to statutes in criminal cases.

Statutes in criminal cases are presumed to be construed strictly, because (1) it is deemed fair that people should understand the law and the consequences for breaking the law clearly - in principle before they act and (2) it is deemed to be the responsibility of the legis -

lature, not the judicial, to define what constitutes a crime.

The strict interpretation of criminal statutes will lead to the exclusion of ~~crimes~~ convictions for alleged crimes that don't fall strictly within the narrow interpretation of the statute. Therefore, the principle of the application is called the rule of lenity.

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(1) Explain the basic differences between civil cases that raise "equitable" issues and those that raise "legal" issues.

The parties in a case raising 'legal' issues only have the right, under the federal Constitution of the United States, for a trial by jury. The Constitution of the United States does not grant this right to parties in a civil case raising equitable issues or seeking equitable

remedies. An equitable remedy for example could be 'specific performance'. A legal remedy could be the award of damages.

However, in establishing a case of equity, all facts have to be pleaded and it must be proven that no adequate legal remedy is available to dispose of the dispute. While generally determining the facts of in an equitable case is not the function of a jury, the trial judge that

usually hears equitable cases, ^{at his/her} ~~has~~
^{may}
~~the~~ discretion to grant a jury trial.

This is more likely to occur
in the federal courts than the
state courts.

If a case raises both, legal and
equitable issues, the parties
have the right to jury trial
on the legal issues only.

(3)(a) Whether a statute applies or ^{often} not depends on its interpretation and one's reasoning.

Using the 'literal rule' or the 'plain language approach, a 'battery powered toy automobile' does not fall within the language of the statute. Therefore the ordinance would not apply.

Using the 'golden rule' it could be argued that the 'battery powered toy automobile' conceivable could be covered by the wording of the statute. Using ^{and therefore would be prohibited.}

the purposive approach and assuming that the goal of the ordinance was to achieve peace, quiet and safety in the park, the 'battery powered toy automobile' would be prohibited, because such battery powered toy automobiles are not likely to be quiet or safe around other pedestrians.

Using canons of interpretation it may be argued that because the 'battery powered toy automo-

bile is not specifically listed, it
is therefore excluded. ^{from the ordinance.} It

may also be argued that

the words 'motor vehicle'

or 'motorized vehicles' are

less essential to the interpretation

of the ordinance than the

words they are associated

with. In this case the

words 'any type' and 'for

any purpose'. Looking at it

that way, 'the battery-powered

toy automobile' may be prohibited.

(b) Again, it may be argued and reasoned that the statute applies and it may be argued and reasoned that it may not apply.

The literal approach to the statute does not include a

'bicycle'. It includes a

'vehicle'. A bicycle is generally

not considered a vehicle. ^{* There fore} it would not be covered by the statute.

Because the bicycle is not

a bicycle in the general sense

in that it includes a motor

it could conceivably be covered
by the words of the ordinance
if the Golden Rule is used
or if the ordinance is interpreted
taking into consideration the
context and how the words
are associated with each other.

Again, the intent of the ordinance
is likely to keep the park quiet,
peaceful + save. With this in
mind a motorized bicycle should
be prohibited.

(c) The ordinance in its literal meaning would apply, however the result of not allowing an ambulance into the park for someone in need of medical attention, could be harsh and absurd.

The purposive approach here is most appropriate as well as considering public policy.

The intent of the ordinance was not to deny people needed medical help. Based on public views and convictions

it would be hard to imagine that anyone could argue the ambulance should not enter the park. This would not be in the public's best interest.

After all, laws are deemed to protect the general public's best interest.

Definitions:

1. **Literal Rule**: plain language approach - looking at the text of statute only. Results may be harsh.
2. **Golden Rule**: include facts/situations that are not expressly covered by the words of statute, but could

conceivably be covered by the words of the statute

3. Purposive Approach: Using extrinsic aids to find true meaning and intent of statute using legislative history for example

Canons of statutory interpretation

1. 'The expression of one thing is the exclusion of another' meaning that if legislature would have intended for other things to be included, they

would have included them

2. 'A word is known by ~~its~~

association' - looking at

the words surrounding a

particular word to determine

the meaning of the statute

Looking at words within their

context.