

Frank Martinez

CRJU 235

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Portfolio project

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This project is about the accusations against Mr. October of murder and how his lawyer can argue for his defense. The job of the investigators Jack Ryan is to help his client win the case. It also to provide the best defense to its client.

Affirmative defense is when the defendants admit having caused the death of the victim but describes it as self-defense or necessity, which is what it is called in the legal.

Our client, Mr. Red October, is being unjustly accused of second-degree murder. Mr. October was sleeping in his house when suddenly he heard voices whispering and those voices weren't known to him. Our frightened client shouts, who's there? There are no answers and I'm speaking of the victim and his companion, which we could call a burglar or thieves who went into that house with the intention of doing something illegal or harming the owner of that house. When he saw there were two unknown people in his home he did not know if they were armed or not. Mr. October in self-defense fired a shot to let the thieves know that they were in trouble and sadly he killed one of them. Our client acted in self-defense. He did not plan for two people to enter his property at 4:00 am anyone and his position would have made the same decision.

My opinion is that there is no doubt who fired the gun and in this case what Jack should try to find or make the jury see that Mr. October acted in self-defense because he was afraid for his life. Since there is no doubt that he was the person who shot and caused the death of this person.

The difference between justifications and excuses is that the defendant admits to doing what he is being accused of but says he only did it he was in an uncomfortable situation. The excuse is when the defendant admits that what he did was wrong but says under the circumstance he was forced to do it.

The photos that were shown here by the prosecution, if you look closely, show that the alleged victim has a gun in his right hand. Do you know whose weapon that is? I'm going to tell you that it's one of our client's guns. Mr. October acted in self-defense and this photo makes it more than clear that these people entered our client's residency at 4:00 am looking to steal and harm the owner and sadly one of them lost his life in the process.

Also, a case that had notoriety is that of Mr. Joe Horn who shot and kill a person who was robbing his neighbor's house, and he was not even charged because in Texas there is a law that gives people the authority to protect their belongings. And no charges were filed against horn.

To conclude this project, I would like to say that Mr. October was found innocent of the charges against him. In my opinion Mr. October acted in self-defense, first to try to protect himself and his property.

Reference page:

News, A. (n.d.). *Man cleared for killing neighbors burglar* . ABC News.

<https://abcnews.go.com/TheLaw/story?id=5278638&page=1>