

Business Law Midterm 2023

Fact Pattern #1

1a. Outcome of Pedro's appeal and why?

Whether Pedro's Miranda rights were violated and whether his statement of "Yes, I was there" can be used as evidence against him.

A person must be informed of their legal rights, known as Miranda rights, before being questioned by the authorities in order for any statements they make to be used against them in court. These rights include the right to silence, the right to counsel, and the caution that any statements made can be used against the speaker in court. According to *Miranda v. Arizona* (1966), any later statements made by the subject during the interrogation are not admissible in court if these rights are not given.

In this instance, Pedro wasn't informed of his Miranda rights before the police questioned him. Pedro replied that he didn't know why they were there when Officer Burke questioned him on it. Pedro didn't admit to being there until Officer Burke accused him of taking part in the theft. Pedro was not informed of his right to stay silent or the possible repercussions of his statements when this confession was obtained. Pedro's Miranda rights were thus broken.

Pedro's appeal will probably be effective because the officers violated his Miranda rights when they interrogated him. The fact that Pedro was not told of his Miranda rights when giving his statement, "Yes, I was there," should prevent it from being used in court.

2a. Were Pedro's rights violated? If so, which one (s), and why?

Whether Pedro's rights were violated when he was immediately sentenced to 10 years in jail without a trial or hearing.

The right to due process of law is guaranteed by the Fifth and Fourteenth Amendments of the United States Constitution. Before losing one's life, liberty, or property, a person must be given warning and a chance to be heard in accordance with the principles of due process. In criminal situations, the right to a fair and impartial jury trial is guaranteed by the Sixth Amendment.

In this case, Pedro was arrested and immediately sentenced to 10 years in prison without a trial or hearing. This infringes on both his right to due process and his right to an impartial trial under the constitution. Pedro's claimed involvement in the burglary was purportedly shown on video surveillance, but this does not eliminate the need for due process and a fair trial. Before being taken from his freedom, Pedro should have received notification of the accusations against him and a chance to be heard.

Pedro's rights were violated when he was given a 10-year prison term without going through a proper trial or receiving due process. The need for procedural fairness in criminal procedures must take precedence over the video surveillance proof. Prior to receiving a jail term, Pedro ought to have been given the chance to have a trial or hearing.

Fact Pattern #2

Question 3: Do Miguel and Joe have "standing" to pursue a violation of their rights under the Equal Protection clause?

Whether Miguel and Joe have “standing” to pursue a violation of their rights under the Equal Protection clause?

The doctrine of standing requires that a plaintiff have a personal stake in the outcome of the controversy, which depends on whether the plaintiff has suffered an injury in fact that is traceable to the defendant's actions and can be redressed by a favorable decision.

Miguel and Joe are gay and were married in 2020 in New Jersey. In 2021, Proposition 200 was passed in New Jersey, which provided that only marriage between a man and a woman is valid or recognized by New Jersey, and that new same-sex marriages would not be recognized. Miguel and Joe are challenging this amendment to the New Jersey Constitution, claiming that it violates their Fourteenth Amendment right to equal protection of the law.

To have standing, Miguel and Joe must have suffered an injury in fact that is traceable to the defendant's actions and can be redressed by a favorable decision. In this case, the injury in fact is the denial of recognition of their marriage and the resulting lack of legal protections and benefits afforded to married couples. The defendant's action is the enforcement of Proposition 200, which excludes same-sex marriages. A favorable decision in this case would redress their injury by recognizing their marriage as valid and providing them with legal protections and benefits.

Miguel and Joe have standing to pursue a violation of their rights under the Equal Protection clause because they have suffered an injury in fact that is traceable to the defendant's actions and can be redressed by a favorable decision.

Question 4a: You are Miguel’s attorney and you now have to advise him as to the possible outcome of these issues. Will Miguel prevail? Why yes or why not?

Whether Miguel is entitled to reimbursement from Kathy for the destruction of the soothing stones in the demolition of the apartment building.

Under the law of eminent domain, the government may take private property for public use upon payment of just compensation.

In Kathy's apartment building in New York, Miguel runs a spa and has added calming stones to the walls of the rooms as part of the décor and to draw customers. For the purpose of constructing a public school, Kathy's apartment building is being demolished, and the State of New York has given her sufficient compensation in exchange for her property. Miguel demands compensation from Kathy for the soothing stones' destruction during the apartment building's demolition, but Kathy counters that since the stones were part of the property, possession of them was transferred to her at the time of the couple's divorce.

The government may take private land for public use under the eminent domain statute in exchange for just compensation. In this instance, Kathy was fairly compensated after the government appropriated her land to erect a public school. Miguel had placed the calming stones in the rooms' walls as part of the decor. They weren't a part of the structure permanently, though, and they weren't required for it to function. Therefore, upon separation, possession of the stones did not pass to Kathy. Miguel may be liable to damages for the loss of the stones' value as personal property as a result of the building's demolition.

When Kathy's apartment building was demolished, Miguel might be eligible to compensation for the value of the calming stones as personal property that was lost. The stones

were not a part of the real estate and did not pass ownership to Kathy upon their divorce, so he is not eligible to compensation from her.

Fact Pattern #3

Question 5: Will Iliana and her Clinic be held responsible for damages caused by Bob?

Whether Iliana and her Clinic will be held responsible for the damages caused by Bob to Henry during the therapy session.

In most cases, employers are held accountable for the actions of their employees who conduct crimes while working for them. The employee's actions must further the employer's company, and the employer's liability is constrained to the terms of the employment.

Additionally, negligent hiring, retention, and oversight may subject employers to liability.

In this case, Bob was an employee of Iliana's Clinic, and when he escorted Henry out of the Clinic, he was operating in the course and scope of his employment. However, Bob's actions of violently seizing Henry by his collar and injuring him were not helpful to Iliana's endeavors. Therefore, Bob's harm to Henry cannot be attributed to Iliana and her Center.

Based on the application of the rule and analysis, Iliana and her Clinic will not be held responsible for the damages caused by Bob to Henry during the therapy session.

Question 6: Can Henry pursue both civil and criminal charges against Bob? How would civil and criminal charges differ from each other in Henry's situation?

Whether Henry can pursue both civil and criminal charges against Bob, and how civil and criminal charges differ from each other in Henry's situation.

Conflicts between private parties are involved in civil cases, and the victim is intended to receive compensation for the damage done. The goal of criminal cases, which are brought by the state or federal government and entail violations of public laws, is to punish the offender.

Henry has the option of bringing both civil and criminal charges against Bob in this situation for assault and battery, which is against the law. While the criminal case would aim to hold Bob accountable for his actions, the civil case would seek to recoup damages Bob caused.

Henry has the option to file civil and criminal charges for assault and battery against Bob based on the application of the law and analysis. While the criminal case would aim to hold Bob accountable for his actions, the civil case would seek restitution for the harm done to Henry. The criminal case involves a violation of public laws and is brought by the state or the federal government, whereas the civil case is a private disagreement between Henry and Bob.