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## Articles

- THE APPROPRIATE JUDICIAL RESPONSE TO EVIDENCE OF THE VIOLATION OF A CRIMINAL STATUTE IN A NEGLIGENCE ACTION**  
*David E. Seidelson* 1

When a court hearing a negligence action is confronted with evidence of violation of a criminal statute, the court often fashions an awkward amalgam of legislative intent and common law concepts in determining such matters as the applicability of the statute to the action before the court and, finding such applicability, factual cause and effect, proximate cause, and contributory negligence. By resolving legislative intent judicially and reserving to the jury only those factfinding functions consonant with the legislative intent, the court can eliminate much of this awkwardness. By asking and intelligently answering three questions — (1) Was the victim within the class of persons intended to be protected by the statute? (2) Was the peril that occasioned the victim's injury one from which the statute was intended to protect? and (3) Was there a factual cause and effect relationship between the statutory violation and the victim's injury? — the court is likely to determine the applicability of the statute to the action before the court *and* the legal consequences of such applicability in a manner entirely consistent with the legislative intent underlying the statute.

- USING A FIREARM DURING AND IN RELATION TO A DRUG TRAFFICKING CRIME: DEFINING THE ELEMENTS OF THE MANDATORY SENTENCING PROVISION OF 18 USC § 924(c)(1)**  
*Michael J. Riordan* 39

Since 18 USC § 924(c)(1) was revised in 1986, it has been subject to varying interpretations by courts seeking to determine under what circumstances a person during and in relation to a drug trafficking crime uses or carries a firearm. This article provides guidance to the federal courts and practitioners in applying the mandatory five year sentencing provision of section 924(c)(1) as it relates to narcotic crimes.

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