

# Class 9

Criminal Law

# Larceny – Common Law

1. **Wrongful and fraudulent** taking and
2. **Carrying away** of the
3. **Personal Property of another,** with the
4. Intent to **permanently deprive the true owner of his/her property**

# Larceny – Common Law (cont.)

- ▶ Other points:
  - ▶ Larceny is a **specific intent** crime!
  - ▶ **Good faith** is a defense because it's a crime of "specific intent" (e.g., defendant really thought victim owed the money)
  - ▶ **Slight movement** enough to satisfy the "carrying away" element
  - ▶ Stealing **symbolic property** is not larceny because it is not considered to be personal property (examples: deed to real property, stock certificate, patent certificate, title to a car)
  - ▶ Larceny can't be committed if you have possession of the property, but can be committed if you have mere "custody" of the property.
- ▶ **Larceny by Trick:** Taking the property with permission gained through a lie as to present circumstances.

# Other Theft Crimes – Common Law – Part 1

## ► **Embezzlement:**

- Fraudulent appropriation to a person's own use or benefit of property or money entrusted to that person by another
  1. **Fraudulent conversion** of the
  2. **personal property** of another
  3. with the **intent to permanently deprive the true owner of such property**
- Only difference between **larceny** and **embezzlement** is the defendant himself. In embezzlement, the defendant has a duty of trust vis-à-vis the victim and originally had lawful possession of the property.

# Other Theft Crimes – Common Law – Part 1 (cont.)

## ► False Pretenses:

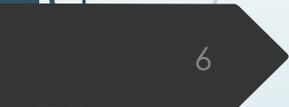
1. Obtaining **title** to
2. the **property** (not just personal) of another
3. by **false representation**

► With larceny and embezzlement, there is ***no change of title, just of possession. With false pretenses, there is a change in title.***

## ► Differences between false pretenses and larceny by trick:

- If the victim does not transfer title, it cannot be false pretenses
- Larceny by trick must be done with a lie about the present right to the property. False pretenses can be done with any lie.

## ► All of these are Specific Intent Crimes!



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# QUIZ TIME!

# Other Theft Crimes – Common Law – Part 2

## ► Extortion (“Blackmail”):

1. Causing the victim to voluntarily relinquish property
2. by the threat of
3. wrongful action or force

► The threat **does not** have to be of an action that would have been illegal!

# Other Theft Crimes – Common Law – Part 2 (cont.)

## ► Receiving Stolen Property:

1. **Knowingly** receiving
2. **Stolen property**
3. with the **intent to permanently deprive the true owner of its possession**

► ***Defendant must know (actual knowledge) that it is stolen***; the fact that a reasonable person should have known the property was stolen is not relevant. However, circumstantial evidence can be used to prove this knowledge. (“I didn’t know” is a good defense if the jury believes it).