

**ADMINISTRATION OF JUSTICE**  
**Homework Exam Review**

**CRIMES AGAINST PROPERTY AND HYBRID CRIMES**

Name: \_\_\_\_\_ Period: \_\_\_\_\_ Row: \_\_\_\_\_

**INTRODUCTION**

1. This category of crime includes crimes in which property is stolen or otherwise taken against the \_\_\_\_\_ of the owner such as \_\_\_\_\_ and \_\_\_\_\_.
2. All modern crimes against habitation have their origins in the ancient law of trespass, all modern theft laws have their origins in the \_\_\_\_\_.
3. Modern theft law recognizes many different kinds of crimes against property as well as hybrid crimes (both against \_\_\_\_\_ AND \_\_\_\_\_, like robbery).
4. Most larcenies and thefts are \_\_\_\_\_ intent crimes (extortion is the exception being a general intent crime) which means that the mental state is \_\_\_\_\_.

5-17 Any discussion of crimes against property is generally a discussion about the following crimes:

- |           |           |           |
|-----------|-----------|-----------|
| 5. _____  | 11. _____ | 17. _____ |
| 6. _____  | 12. _____ |           |
| 7. _____  | 13. _____ |           |
| 8. _____  | 14. _____ |           |
| 9. _____  | 15. _____ |           |
| 10. _____ | 16. _____ |           |

**LARCENY**

18. Larceny is the wrongful taking and carrying away of personal property which is in the possession of another with the intent to \_\_\_\_\_.
19. In most states, larceny is divided into two classes, \_\_\_\_\_ and \_\_\_\_\_, depending on the \_\_\_\_\_.
20. The crime of larceny also includes keeping lost property when a reasonable method exists \_\_\_\_\_.
21. You may be also be guilty of larceny if you keep property delivered \_\_\_\_\_.
22. Wrongful taking -- The state must show that there was an element of \_\_\_\_\_, however brief, over someone else's \_\_\_\_\_.
23. Control doesn't mean \_\_\_\_\_.
24. Carrying away -- In legal terminology, this is called \_\_\_\_\_.
25. It means that the property was completely \_\_\_\_\_ (however slightly) from the place \_\_\_\_\_.
26. Personal property -- Under the old common law, only moveable property counted as personal property, but under modern statutes, \_\_\_\_\_.

27-33 There are generally seven categories of property:

- 27. Real property - \_\_\_\_\_.
- 28. Tangible property - \_\_\_\_\_.
- 29. Documents - \_\_\_\_\_.
- 30. Services - \_\_\_\_\_.
- 31. Information - \_\_\_\_\_.
- 32. Intellectual - \_\_\_\_\_.
- 33. Contraband - \_\_\_\_\_.
- 34. Some states also use a “\_\_\_\_\_ value” approach to determining worth; others use “\_\_\_\_\_”.
- 35. In possession of another -- The law requires that the owner of the property testify that the taking was without his or her consent and to \_\_\_\_\_.
- 36. With the intent to convert or permanently deprive -- Larceny is a \_\_\_\_\_.
- 37. The intent may be proven by direct or circumstantial evidence, and at a minimum, by a \_\_\_\_\_.
- 38. Since larceny is a specific intent crime, the law requires considering whether there's an intent to steal or a \_\_\_\_\_.
- 39-41 Many states have constructed three levels of taking:
  - 39. larceny (theft) by trick -- \_\_\_\_\_
  - 40. larceny (theft) by deception -- \_\_\_\_\_
  - 41. larceny (theft) by fraud -- \_\_\_\_\_
- 42. Elements of theft are often decided on the basis of something called trespassory taking, which looks at whether the person involved has “**larceny in their heart**”.

## SHOPLIFTING

- 43. Shoplifting is a form of larceny as it involves taking items from a store without \_\_\_\_\_.
- 44. If it can be proven that the person formed the intent to steal \_\_\_\_\_ they entered the store, they may be prosecuted for \_\_\_\_\_.
- 45. Entering with a “\_\_\_\_\_”, empty purse, empty diaper bag on stroller, oversize coat to carry \_\_\_\_\_ item(s)
- 46. If the intent to steal prior to entry cannot be proven, then the \_\_\_\_\_ shall govern (\_\_\_\_\_ theft vs. \_\_\_\_\_ theft).

## EMBEZZLEMENT

- 47. The crime of embezzlement was created to deal with people, typically \_\_\_\_\_, who \_\_\_\_\_ come into possession of property and then \_\_\_\_\_.

48. Unlike the crime of theft by initial wrongful taking, embezzlement involves a \_\_\_\_\_.
49. Misappropriation is the key element of embezzlement, just as \_\_\_\_\_ is the key element of a \_\_\_\_\_.
50. Misappropriation is the wrongful misuse or taking of another's property that has been \_\_\_\_\_.
51. Embezzlement is a \_\_\_\_\_.
52. The required mental state is an intent to \_\_\_\_\_.
53. If the person claims they intended to return the exact same property, it \_\_\_\_\_.
54. If the person intended to return similar or identical property because it is physical \_\_\_\_\_ to return the \_\_\_\_\_ property it is \_\_\_\_\_.
55. The property converted must have come into the persons possession via a position of trust, commonly called a \_\_\_\_\_.
56. The element of theft that the perpetrator have the intent to \_\_\_\_\_ deprive the owner is not an element of \_\_\_\_\_.

#### **FALSE PRETENSES**

57. The crime of false pretenses deals with the owner being tricked by misrepresentation into \_\_\_\_\_.
58. Persons who commit false pretenses do not have any lawful right to possession or any \_\_\_\_\_.
59. They simply lie, and this is the primary \_\_\_\_\_.
60. With false pretenses, there's usually a transfer of \_\_\_\_\_, \_\_\_\_\_, or \_\_\_\_\_.
61. False pretenses is not committed if the defendant only obtains \_\_\_\_\_ of the property and not \_\_\_\_\_.

#### **RECEIVING STOLEN PROPERTY**

62. Receiving, concealing, possessing, buying, or transferring stolen property are typically the behaviors associated with the crimes of \_\_\_\_\_.
- 63-65 The crime of receiving stolen property is a specific intent crime requiring proof:
  63. they bought, received, or otherwise \_\_\_\_\_
  64. that the property \_\_\_\_\_
  65. and at the time of possession of the property, the accused knew the property had been stolen.
66. The level of knowledge is lessened in this crime to include negligence because a person should know, for example, that when they get " \_\_\_\_\_ " a deal on something, it's \_\_\_\_\_.

## ROBBERY

67. Robbery and extortion are hybrid crimes, both are crimes against \_\_\_\_\_ and \_\_\_\_\_. It's also sometimes said that these are "\_\_\_\_\_" forms of larceny.
68. Robbery is the unlawful taking of property from a person's immediate possession by \_\_\_\_\_.
69. In most states, the element of force is the difference between \_\_\_\_\_ and \_\_\_\_\_.
70. A pickpocket who takes your wallet unnoticed is \_\_\_\_\_.
71. A mugger who knocks you down and takes your wallet by force is guilty \_\_\_\_\_.
- 72-75 Most states have divided robbery into degrees:
72. 1st degree robbery -- also called \_\_\_\_\_.
73. A variant, called Home Invasion Robbery, occurs when the robber follows the victim home, \_\_\_\_\_ to gain entry, or \_\_\_\_\_ after a break-in.
74. 2nd degree robbery -- this requires the presence of an \_\_\_\_\_ or accomplices, any display of \_\_\_\_\_, any \_\_\_\_\_.
75. 3rd degree robbery -- also called simple robbery, unarmed robbery, or \_\_\_\_\_ stealing. This simply \_\_\_\_\_.

## EXTORTION

76. Extortion is the only \_\_\_\_\_ intent crime against property and is sometimes referred to as "\_\_\_\_\_."
77. It is the unlawful taking of property from another by \_\_\_\_\_.
78. Extortion can be committed over the phone, by \_\_\_\_\_, or by \_\_\_\_\_ (this makes it a \_\_\_\_\_ crime).
79. As a general intent crime, the motives for it don't really matter and it doesn't matter if the \_\_\_\_\_.
80. Extortion is the most common criminal charge against \_\_\_\_\_.

## VANDALISM

81. Vandalism, also known as malicious mischief, is willful \_\_\_\_\_, \_\_\_\_\_.
82. Vandalism includes such things as breaking windows, ripping down \_\_\_\_\_, removing \_\_\_\_\_, and breaking off \_\_\_\_\_.
- 83-85 Vandalism occurs when a person maliciously commits any of the following acts with respect to any property not his or her own:
83. defaces with graffiti or other \_\_\_\_\_;
84. \_\_\_\_\_,
85. or \_\_\_\_\_ the property.

## ARSON

86. Arson is the willful and malicious setting of a fire, burning or causing to be burned or who \_\_\_\_\_, \_\_\_\_\_ or \_\_\_\_\_ the burning of any structure, forest land or \_\_\_\_\_.
87. The second highest percentage of people who set fires are ordinary citizens who are in financial trouble and see the fire and subsequent \_\_\_\_\_.
88. About one in every four fires is \_\_\_\_\_ set -- and almost half of these fires was set by \_\_\_\_\_.
89. Because it is difficult to show that a fire was caused as a result of a willful and \_\_\_\_\_ act, most states have enacted \_\_\_\_\_.

## BURGLARY

90. Modern laws have broadened the definition of burglary to include the unauthorized entry into any structure with the \_\_\_\_\_.
- 91-92 The entry requirement can be accomplished in one of two ways.
91. Through what is called actual entry where any part of the offender's body actually \_\_\_\_\_.
92. Through what is referred to as constructive entry when no physical part of the body actually made entry, but entry was made by some \_\_\_\_\_.
- 93-94 The action must be accomplished with the specific intent to commit one of the unlawful acts in mind at the time of entry.
93. All states included the intent to commit a \_\_\_\_\_ and most states included the intent to commit any \_\_\_\_\_.
94. Preparation to commit theft or any felony can be used as the means for establishing this proof, e.g. \_\_\_\_\_ tools, tools to commit \_\_\_\_\_ act, etc.

## FORGERY

95. Forgery is a crime in which a person who, with the purpose of deceiving or injuring, makes or alters a writing in such a way as to convey a \_\_\_\_\_.
- 96-99 A person commits forgery who, with intent to defraud, makes or utters a written instrument in such a manner that it purports to have been made:
96. by another \_\_\_\_\_,
97. at another \_\_\_\_\_,
98. with different \_\_\_\_\_,
99. or by \_\_\_\_\_.
100. Forgery can occur when a person signs a name other than his or her own on a writing and claims that the \_\_\_\_\_.
101. Forgery can also include changing or erasing \_\_\_\_\_.

102. The subject matter of forgery under the law in most jurisdictions must be a writing; therefore, there cannot be a forgery of an \_\_\_\_\_.
103. Uttering, which in many states is a separate crime, is offering to someone as \_\_\_\_\_ a \_\_\_\_\_ (such as a check) known \_\_\_\_\_.
104. A person who merely has a forged writing in his or her possession is not guilty of forgery until he or she " \_\_\_\_\_ " it, or \_\_\_\_\_.

### CRIMES INVOLVING MOTOR VEHICLES

105. The crime of unauthorized use of a vehicle (sometimes referred to as " \_\_\_\_\_ ") is committed if the person only \_\_\_\_\_.
106. In most states, joyriding is a lesser-included offense of \_\_\_\_\_, having all the elements of larceny except the intent to \_\_\_\_\_.
107. Carjacking is the felonious taking of a motor vehicle in the possession of another, with the intent to either \_\_\_\_\_ or \_\_\_\_\_ deprive the person in possession of the motor vehicle of his or her \_\_\_\_\_, and is accomplished by means of \_\_\_\_\_ or \_\_\_\_\_.

### COMPUTER CRIME

108. Computer crime has been defined broadly to include any violation of criminal law that involves the use of \_\_\_\_\_.
- 109-10 Computer crime includes traditional crimes that now may be committed through use of a computer, such as using an art program to:
109. create \_\_\_\_\_, or
110. make fraudulent credit card purchases with someone else's credit card number that \_\_\_\_\_.
- 111-12 Computer crime also involves crimes that are relatively new and specific to computers.
111. Spreading a harmful \_\_\_\_\_.
112. Using programs to steal \_\_\_\_\_.
113. One common Internet crime is the transmission of \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.
114. Another type of computer crime occurs when someone illegally \_\_\_\_\_.
115. A person who opens a software package is agreeing to \_\_\_\_\_.
116. Violators can include individuals, \_\_\_\_\_, and \_\_\_\_\_.