

PROPERTY CRIMES

MATERIALS

- 1) Enough handouts for each student (attached to lesson).
- 2) Re-useable white board, markers, eraser – if you want one (provided in the PICC).

TAKEAWAYS

- Students will have a basic understanding of the most common property crimes.
- Students will have an opportunity to practice oral advocacy skills.

QUICK INTRO

(Time Check: 1 minute)

Tell the class: Your names, that you're **law students** from Stanford Law School, and you're there to teach a StreetLaw class.

- Remind the students about StreetLaw rules: don't talk about the specifics of your case, respect your classmates and your teachers when they are speaking, raise your hand if you wish to be called upon, etc.

ICEBREAKER
(Time Check: 5 minutes)

Ask each student to name his/her most prized possession/favorite piece of property (i.e. my phone, etc.) and what he/she thinks the penalty should be for someone who takes that property away or destroys it (i.e. X years in jail/prison, community service, monetary damages, etc.). **Ask** them why they believe this would be the appropriate penalty.

LECTURE: Property Crimes
(Time Check: 15 minutes)

Explain to students that today's lesson will be about property crimes or crimes that affect a person's property. While there are many such crimes, we will be focusing on the most common ones. After a short lecture, we will break up into groups and conduct a mini-trial using two practice problems.

The first property crime we will discuss is **Theft**. **Ask** the students for the definition of theft? Grand theft? Petty theft?

THEFT¹	
Definition (write on the board)	Examples
1. Petty Theft: the money, labor or property taken is worth less than \$950 • Misdemeanor	1. Theft of clothing from a store or pickpocketing a wallet
2. Grand Theft: the money, labor or property taken is worth more than \$950, theft of a car or firearm • Wobbler² (unless theft of firearm: felony)	2. Stealing a car or withholding an employee's wages over a period of time

Ask the students: If you had to defend someone against a charge of theft, what would you say? Are there circumstances in which theft is excusable or okay?

Defenses:

- Consent
- Mistake of Fact (the perpetrator really thought that the property was theirs; must be in good faith)

¹ Note: the students may ask you about robbery. Robbery is defined as the felonious taking of personal property in the possession of another... accomplished by means of force or fear. Thus, it is not categorized as a property crime but as a crime against persons.

² Explain that a wobbler is a crime that can be charged as either a misdemeanor or a felony, based on prosecutorial and judicial discretion.

Not Defenses:

- Intent to return property to owner
- Taking something from a thief

Any questions?

The next crime is **Arson**. **Ask** the students for the definition of arson (they will likely get this pretty easily).

ARSON	
Definition (write on the board)	Enhancements
A person is guilty of arson when he or she: • Willfully and maliciously sets fire to or burns or causes to be burned OR; • Who aids, counsels or procures the burning of • Any structure, forest land or property. Arson that causes great bodily injury is a felony punishable by five, seven or nine years in state prison. Arson that causes an inhabited structure to burn is a felony punishable by three, five or eight years in state prison.	1. Defendant has already been convicted of felony arson 2. Firefighter or other emergency personnel suffered great bodily injury as a result of the offense 3. Defendant proximately caused great bodily injury to more than one victim 4. Defendant caused multiple structures to burn 5. Defendant used a device designed to accelerate the fire or delay ignition

Ask: What is “great bodily injury?”

After soliciting answers, tell students: GBI usually it means loss of consciousness, concussion, bone fracture, loss of function of an organ, disfigurement, and any wound requiring stitches.

Ask: What is an enhancement? Why are #2 and #5 enhancements? Why do those circumstances make the crime worse?

Any questions?

The final crime we'll cover today is **Vandalism**. Ask the student for a definition of vandalism (they will likely say something related to graffiti or tagging).

VANDALISM	
Definition (write on the board)	Examples
Defacing, damaging or destroying the property of another • If the damage is less than \$400, misdemeanor • If the damage is more than \$400, wobbler	Graffiti, etc. Note: California court has held that writing on a glass surface with a removable marker pen can still be considered "defacing" for the purpose of a vandalism charge.

Mock Trial Activity **(Time Check: 25 minutes)**

[Make sure to leave enough time for the students to fully participate in this activity!]

Now we're going to take a few minutes and practice what we've learned about property crimes.

Split the class into four groups: Prosecution #1, Defense #1, Prosecution #2 and Defense #2. Each group should have 2-4 students. If there are not enough students in the class, it's okay to have just Prosecution #1 and Defense #1.

Each group will be responsible for putting on a case for their side. They will be responsible for, at minimum, asking one witness at least four questions and making a two minute closing argument. Teachers will play the witnesses and students can ask the teacher to take on any character that is relevant (the defendant, an eyewitness, a character witness, etc.).

Note to Teachers: Teachers, feel free to make up your testimony as you see fit (tailoring it to the statute where appropriate). Teachers should also help students come up with questions and arguments for their side.

At the end of approximately 15 minutes, start the trials. First, read out the factual scenario again. Then, have the prosecution present its case followed by the defense. If the prosecution is interested, allow 1-2 minutes for rebuttal. Repeat with the second case. If teachers would like to, they may issue a verdict but be sure to highlight what both sides did well.

Problem #1

The Facts: One evening, NBA all-star LeBron James, drove to the local Safeway and parked his 2012 bright yellow Ferrari outside. He left the key in the ignition while he went in to grab some Gatorade and snacks. When he came back out 20 minutes later, he drove away in a 2011 bright yellow Ferrari that had a key in it. But this car wasn't his. James did not notice that it was a

different Ferrari until he was almost home. He was arrested for auto theft and is now standing trial.

Unauthorized Use of Automobiles and Other Vehicles (Model Penal Code Section 223.9):

A person commits a misdemeanor if he operates another's automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle without consent of the owner.

It is an affirmative defense to prosecution under this Section that the actor reasonably believed that the owner would have consented to the operation had he known of it.

Problem #2

The Facts: The main library in Big City is huge building, leftover from a time when Big City was home to over a million people. Now, fifteen years later, Big City's population is only 100,000 and its big beautiful library is largely unused. Library employees and visitors typically stay in the three front rooms and the rest of the building is dark, dusty and filled with cobwebs and boarded-up windows. Occasionally, a library employee will go to one of the other rooms to get a book or find an old VHS tape but, for the most part, those rooms are unused.

Ferris, a student at Big City Law School, loves to study in the Big City library. One day, around 6 pm, Ferris decided to explore the rooms of the library that he had never been to before. Ferris entered into the first old room by gently pushing against the locked door with his shoulder and then began wandering around. At 7 pm, after it was dark, he heard the library security guard telling the last visitors to leave as the library was closing. Ferris continued to wander around the old part of the building, looking at the old books and newspapers by using his cell phone as a light. Around 9 pm, a woman walking past the library noticed a light inside and called the police. Ferris was arrested and charged with criminal trespass.

Criminal Trespass (Model Penal Code Section 221.2):

(1) Buildings and Occupied Structures. A person commits an offense if, knowing that he is not licensed or privileged to do so, he enters or surreptitiously remains in any building or occupied structure, or separately secured or occupied portion thereof. An offense under this Subsection is a misdemeanor if it is committed in a dwelling at night. Otherwise it is a petty misdemeanor....

(3) Defenses. It is an affirmative defense to prosecution under this Section that:
(a) a building or occupied structure involved in an offense under Subsection (1) was abandoned...

Conclusion
(Time Check: 2 minutes)

Thank the students for their time, energy and focus. Ask them if they have any questions about the property crimes we talked about.

Property Crimes Handout

THEFT	
Definition	Examples
1. Petty Theft: the money, labor or property taken is worth less than \$950 • Misdemeanor (maximum punishment is a year in jail) 2. Grand Theft: the money, labor or property taken is worth more than \$950, theft of a car or a gun • Wobbler (can be a misdemeanor or a felony)	1. Stealing clothing from a store or pickpocketing a wallet 2. Stealing a car

ARSON	
Definition	Enhancements
A person is guilty of arson when he or she: • Willfully and maliciously sets fire to or burns or causes to be burned OR; • Who helps the burning of • Any structure, forest land or property. Arson that causes great bodily injury is a felony punishable by five, seven or nine years in state prison. Arson that causes an inhabited building to burn is a felony punishable by three, five or eight years in state prison.	1. Defendant already has a conviction 2. Firefighter or other first responder was hurt 3. More than one person was hurt 4. Multiple buildings caught fire 5. Defendant used a device designed to speed up the fire or slow down ignition

VANDALISM	
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Laws for Mock Trial Activity

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Examples of Questions for the Witnesses:

1. What is your relationship to the defendant?
2. What did you see on the night of the incident?