

ANSWER KEY - Property Crimes Worksheet

Scenario A:

A complaint is received from Alice Smith advising that she just observed occupants of a vehicle smashing several of her neighbors' mail boxes with a baseball bat. The suspect vehicle description is a white Toyota Camry with at least two occupants. The passenger is the person described as the subject responsible for swinging the bat. You locate the vehicle and make a traffic stop. Fifteen of the damaged mailboxes were \$50 each. One mailbox was \$25. The total damage to the mailboxes was \$775.

Both Driver and passenger (complicity-the crimes were completed so both get the full crime, not an anticipatory crime like attempted or conspired or solicited) can be arrested for Mal Misch 2nd Degree ("common scheme or plan" allows us to add up all the smaller crimes together and over \$750 make the damage second degree). Theory of Aggregation allows for totaling all of the damage from a similar scheme/plan and charging one higher level (felony) crime vs. charging several lower level (gross misdemeanor) crimes.

Scenario B:

A tenant from the Garden Grove apartment complex observes a suspicious person break the driver's window of a red Honda Accord. The window will cost \$250 to replace. The suspect also reached into the car and took a leather jacket worth \$150 off the front seat. The suspect is described as male, 30's, white, appears thin, brown hair, baseball cap, mustache, dark coat. Upon arrival, you observe a subject matching that description in the parking lot. You detain and frisk him. He has 4-inch double-bladed knife tucked inside his sock and his high-top shoes. Identify the crimes committed.

Mal Misch 3 (less than \$750), Theft 3 (less than \$750), Vehicle Prowl 2 (unlawfully enters vehicle with intent to commit a crime therein), and Carrying Dangerous Weapons (furtively carried)-this does not change the VP to a Burg 1 because the knife is only a deadly weapon IF you can "tell me a story" about how it was used in this incident that made it deadly (guns and explosives are always deadly weapons)

Now, same as above except that the vehicle involved is a 35 foot Winnebago motor home instead of the Honda Accord and instead of a knife, the weapon in the sock is a snub-nose .38 revolver. Does this change anything? If so, why and how?

Yes. The Vehicle Prowl becomes Burglary 1 (enters unlawfully with intent to commit a crime therein and possessing a deadly weapon-gun is always a deadly weapon). Mal Misch 3 and Theft 3 still apply.

Scenario C:

Alicia Knowles hides in a dressing room in the Macy's department store after closing time. An hour later, when she knows everyone has left, she takes two dozen designer purses from a display, each valued at \$200, and loads them into two suitcases from the luggage department, each valued at \$75. She leaves the store through an employee only exit. Her boyfriend John is waiting outside. When he sees her, he says, "What took you so long? I thought you got caught!" He helps her load the items in a van. What crimes have been committed?

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Both Alicia and John (complicity-crimes are completed, he shows “knowledge” with his comment) get charged with Burglary 2 (“entered or remained unlawfully with the intent to commit a crime therein) and Organized Retail Theft 2nd Degree (theft from mercantile, with accomplice, over \$750 but less than \$5K)

Scenario D:

While on patrol, you observe a newer Ford F-150 parked, unoccupied in front of the Evergreen Casino. You decide to run the plate. You are waiting for the return on the plate when you see a man approaching the truck. He climbs into the vehicle, starts it, and moves toward an exit of the parking lot. The plate returns as a confirmed stolen. You perform a high-risk vehicle stop and secure the man named Alan. When you clear the truck, you see a screwdriver stuck into the broken ignition. Alan claims he borrowed the truck from a friend, but he either can't or won't tell you his friend's name.

With only this information, you cannot charge the man with the Theft of a Motor Vehicle (can't prove he did the taking); however, the screwdriver in the broken ignition helps you articulate that a reasonable person should know that this truck was stolen so you can arrest him for Possession of a Stolen Motor Vehicle.

Instead, you read Alan Miranda; he waives his rights; and he tells you that he was driving this truck at his friend Greg's request. Greg told him to drive it to a warehouse near the Port of Tacoma so Greg could alter the VIN number and have the truck transported to Mexico. You raid the warehouse and confirm it is a chop-shop. Does this change anything? How?

The crime becomes TMVWOP 1 (take a vehicle as part of a conspiracy to profit from the stolen vehicle). Both Alan and Greg get arrested for this.

Scenario E:

It's a warm, 78 degree day in May with a steady 10-mph wind blowing and intermittent wind gusts of up to 25-mph. Bob's neighbor has cleared his yard of all of the storm debris from the winter storms and has them in a pile in his yard. Bob sees his neighbor walking towards the pile with a can of lighter fluid. He reminds his neighbor that due the lack of rain for the past three weeks, there is a restriction on open fires in effect, and tells him he should not start his bonfire. Bob's neighbor flips him off, and pours lighter fluid on the pile, and lights a match to the pile. The wind begins to pick up and starts blowing burning debris through the neighborhood. The debris begins landing on the cedar shake roofs of houses in the neighborhood and in other yards with dried yard debris. Bob calls 911; police and the fire arrive. None of the neighbors reports any damage, and the fire department extinguishes the fire. Can you arrest the neighbor? If so, for what and why?

Reckless burning 2 (knowingly causing a fire or explosion that risks damage vs. causes damage which would be Reckless Burning 1)

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Scenario F:

Mildred is grocery shopping at the QFC, and sets her purse in the seat of the shopping cart. She continues to shop throughout the store. She looks down at her list and realizes she missed a couple of items two rows back. Instead of taking the cart with her, she leaves it in the aisle she is in, walks to get the items, and returns. She goes to check out and when she gets her wallet out, realizes that her ATM card and her VISA card are missing from her wallet. She knows she had them when she got to the store because she got money from the ATM when she first came in the store. You view video and see the suspect removing the items. If you can identify and catch her, for what could you arrest her?

Theft 2 (access device)

If there was no video and no witnesses but you contacted a female a couple hours later, arrested her on a warrant, and found Mildred's ATM and VISA cards in her pocket, for what could you arrest the female (besides for the warrant)?

Possession of Stolen Property 2 (access devices)

Scenario G:

Frank is at a party with a bunch of his friends. He meets Diana at the party. They seem to really be hitting it off. Diana keeps getting Frank drinks, and compliments him on his watch, an Oakley watch valued at \$225. After a couple of hours of heavy drinking, Diana pulls Frank into an empty room at the party and they begin to make out. Frank passes out, drunk on the couch in the room. Diana takes the watch off of Frank's wrist and leaves. Frank wakes up and finds his watch gone. For what crime can Diana be arrested?

Theft 1 (taking from a person-from his body or immediate possession, without force or fear, regardless of dollar amount). This crime is closely related to Robbery; however, with robbery, the victim knows they are being victimized-they feel fear and/or have force or threats of force used against them. Another example of Theft 1 in this manner would be a pickpocket. The other way to commit Theft 1 is to take over \$5K in "stuff."

Scenario H:

Tommy is driving around in a BMW Z3 when he sees his friend, Bryan. He pulls over and asks Bryan if he wants a ride. Bryan looks at the car and says, "Dude, I've always wanted to drive one of these. Where did you get it?" Tommy tells him that he found the car in front of the post office with the keys in the ignition, so he jumped in it and drove off. Bryan says, "Let's see what it'll do before the owner reports it's stolen." Tommy tells Bryan he'll let him drive after he's had a turn, and they take off down the road. About five miles up the road, they are doing burnouts in

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the street when a police car comes up around the bend. The officer stops the car, and discovers it has just been put onto the “Hot sheet” as a stolen car. You detain both and advise them of Miranda warnings. Tommy invokes, but Bryan gives you a statement of the facts listed above. What could you arrest the two suspects for?

TMVWOP 2 on both subjects (there was no other intent than to take the car temporarily and drive it around for awhile for fun). This crime is also referred to as “joyriding.” This statute allows you to arrest both the driver of taking it and the passenger rides in it and knows that it is stolen. The difference between Theft of a Motor vehicle and TMVWOP 2 is very slight; Theft of a Motor Vehicle requires “intent to deprive” which is a slightly higher level of mental state than “intent” required for TMV. An example of when I would use Theft of a Motor Vehicle is when the suspect took the vehicle to use it for an extended time for transportation and/or to use it for committing other crimes; or if they take it, use, and torch it. Then I can more easily show “intent to deprive.”

Scenario I:

Billy is a street level drug dealer. He provides all of the neighborhood drug users with their daily fix, for a price. One of his regulars, Amanda, comes up to him to buy drugs. She tells him that she doesn't have any money today, and that she will pay him tomorrow. Billy has heard this story from Amanda before, and knows it will be a long time before he sees his money, so he tells her “no,” he has to have the money before she gets the drugs. Amanda, eager to get her fix, says she'll “find a way.” Ten minutes later, she returns with a very shiny Trek mountain bike. She asks Billy if he'll take the bike instead of money. Billy knows the bike is worth a lot more than the drugs Amanda wants, so he takes it. He asks her where she got it, and she replies, “what do you care?” as she leaves with her drugs. Billy heads for the local pawn shop to sell the bike, and while riding it up the street, a police officer sees him. The officer is the one who took the theft report, and recognizes the bike. He stops Billy and checks the serial number on the bike, which matches the number on the report he took. The bike has a value of \$1200. If Billy confesses to the whole story, who could you arrest and for what crimes?

Amanda can be arrested for Theft 2 (intentionally takes, over \$750 and less than \$5K). Billy can be arrested for Possession of Stolen Property 2 (knowingly possesses, over \$750 and less than \$5K).

Additionally, both could also be arrested for Trafficking in Stolen Property 1—this crime may not be in your Resource Guide-- (Amanda knowingly stole the bike to “sell”/trade it for the drugs-something of value. Billy knowingly took the stolen bike in exchange of the product he would normally sell with the intent to hock the bike at the pawn shop for cash).

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Scenario J:

Scott and Ken are the local juvenile delinquents in their small town. Both have been arrested several times, and are no strangers to local law enforcement. They see one of the town's police cars roll by, and the officer driving is the one who arrested both of them most recently. Both feel that they are singled out by the police, even in the rare instances when they haven't done anything wrong. They decide that it's time to get even, and are going to do so by flattening the tires on the police car. There are only two officers on duty during the day time. The two suspects go into the local hardware store and steal a box of roofing nails worth \$15. They see the patrol car a short time later, pulling into the police station. They wait until dark, and then dump the box of roofing nails in the driveway of the police station. A short time later, the officer leaves the station, and drives over the nails, flattening one of the patrol car's tires. The officer stops to fix the tire, which takes about 20 minutes to change. In the time that he was changing the tire, there were no calls for service.

Mal Misch 2 since they risk interruption of service by damaging an emergency vehicle (no calls missed or delayed).

How would it change the scenario if, minutes into changing the tire, there was a call of a DV disturbance in progress, and the victim was being assaulted by her ex-boyfriend in her front yard? It takes the officer 15 minutes to finish changing the tire before he can respond to the call.

In this scenario, it becomes Mal Misch 1, since there was an actual interruption of service (call came in while vehicle was damaged, delaying response) by damaging an emergency vehicle.

Scenario K:

Norm comes home from work and sees a large box on his front door. He hasn't ordered anything that needs to be delivered, so he has no idea what it could be. He parks in the garage and goes into his house, and opens the front door. He brings the box in and sees the address on the box is for his neighbor. Norm can't help but wonder what is in the box, so he opens it up. The neighbor had purchased a 50" plasma TV (valued at \$2800) through an on-line vendor and had it delivered. Norm decides that the TV would look good in his den, and takes it out of the box and hooks it up, and doesn't tell the neighbor he has the TV. Identify the crime(s) committed.

Theft 2 (definition of "appropriate lost or misdelivered property or services; over \$750 but less than \$5K) "Finders-keepers, losers weepers" is NOT the rule!

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Scenario L:

Fred is as dishonest as they come. His bank account is approaching zero, and he needs some money fast. He decides on a plan. He loads some ladders and other equipment onto his truck and heads for a neighborhood on the other side of town. He starts looking for houses with bad roofs. When he finds a few, he contacts the occupants, identifies himself as “Franky of Franky’s Fast-n-Fabulous Roofing” and offers his “roof repair” service. He finds a few takers, telling each of them the amount that it will cost, that he can give them a break if they pay him cash or a check, but he’ll need half the money up front, and that he’ll be back tomorrow to do the work. Two people write him checks for \$750 each, two people write him checks for \$600, and one writes him a check for \$500. Fred heads to the bank, cashes the checks, and never returns to do any of the work. Identify the crime(s) committed.

Theft 2 (definition of “by deception”) and Criminal Impersonation 1 (he never intended to do the work; he represented himself as a fictitious person; and he intended to deprive the victim’s of their money). It would be five counts of Theft 3 because of the dollar value of each check, except the Theory of Aggregation allows us to add the amounts together (because of a “common scheme or plan) for one count of a larger crime, Theft 2.

Scenario M:

Chuck hates his next door neighbor, Fred. They have lived next door to one another for twenty years and have never gotten along. One afternoon, Chuck sees Fred mowing his yard while riding a brand new, \$2500 John Deere riding mower. Chuck has always wanted one, but couldn’t afford it, and has been forced to mow his huge yard with a walk-behind mower. Chuck feels that Fred is smirking at him as he watches him mow the yard, and this makes him even angrier. Chucks watches as Fred cleans off the new mower, and then drives it into his storage shed, which is on the property line that he shares with Chuck. Chuck would like the mower, but hates it even more that Fred has one. He goes inside his house to fume for awhile. He comes outside to smoke a cigarette after it gets dark. He is smoking and staring at the storage shed. He throws the cigarette down and climbs the fence into Fred’s yard. He pries the storage shed open, knocks over a gas can, and lights a book of matches and throws it towards the leaking gas can. A few minutes later the gas hits the burning matches, catches on fire, and destroys the shed and its contents, including the mower, two bikes worth \$150 each, and rolling tool metal toolbox worth \$200 and the tools inside it worth \$3200. Identify the crime(s) committed.

Burglary 2 (“entered or remained unlawfully with the intent to commit a crime”) and Arson 2 (“knowingly and maliciously caused a fire that damages a building”) and Mal Misch 1 (over \$5 in damages).