

Robbery & Kidnapping Worksheet-ANSWER KEY

1. George dated Janice three times before Janice told him that she just was not interested in a romantic relationship with him. George was obsessed with her and could not accept her rejection. He decided that if she just took some more time to know him, she would fall in love. He went to Ace Hardware and purchased some rope and duct tape. He went to a pawn shop and purchased a military-style knife. On Friday night, George went to Janice's house while she was gone. He pried open the back door, went inside, and quietly waited for her to come home. When she entered, he grabbed her from behind and told her if she did not fight, she would not get hurt. He used the knife to cut the rope after he tied her hands and feet; he sat her down on the couch. He spent the next several hours talking to her about him and the life he wanted to have with her. Early in the morning, they heard the paper delivery person approach. Janice started to cry out, but George covered her mouth and said, "Be quiet! I don't want to have to kill you!" If you arrested him right now, what crimes would it be for?

Burglary 1st (Res Burg + assault = Burg 1); Kidnapping 2nd (suspect INTENT was NOT one of the reasons in 1st); Assault 2nd (assaults while doing another felony); Felony Harassment (threat to kill); Malicious Mischief 3rd (damage by prying door)

2. George kept Janice tied up for four days. George was getting frustrated with Janice because she kept telling him that no matter how long he held her there, she would never love him. George became irate. He flew into a rage and hit Janice several times, bruising her face and her arms. He cut the ropes off of her and put the knife to her throat. He told her if she had sex with him, he would let her go instead of slit her throat. She had sex with him because she was afraid for her life. After the sex, George tied Janice up again and dragged her into her bedroom and laid her on the bed. He left. By the next day, friends and coworkers were getting worried about Janice. A couple of them went to her house. Since her car was in the driveway, they started to look around through the windows. One of them saw her tied up on the bed. They called 911. If you arrested George now, what additional crime(s) would you include?

Rape 1st (feloniously enters/uses or threatens deadly weapon/kidnaps-all 3; cannot add extortion here because all the "ingredients" are used up); Assault 2 with sexual motivation (assault someone while committing other felony)

3. Jason was fired from his advertising job at a large Fortune 500 company. He was angry with his boss, Edgar. He decided that he had a great way to get even with Edgar. Edgar and his wife had just had a baby. They had married late and had difficulty conceiving, so they were overwhelmed with delight over their new bundle of joy. Jason told his girlfriend Ellen about his idea. Ellen told him it was a great idea, and they could hide out with the child at her parents' house because they were on vacation. Jason and Ellen followed Edgar's wife Margaret from the house to the grocery store. At the store, Ellen engaged Margaret in a conversation, distracting her from the stroller while Jason grabbed the baby. They got away without incident. Margaret freaked out when she saw that the baby was missing. She called the police and Edgar. The couple was distraught. They expected a ransom request, but nothing happened for more than ten days. What crime or crimes have been committed so far?

Kidnapping 1st (suspect's INTENT is to cause extreme emotional distress)

4. Jason and Ellen had never cared for a baby before, and they were very frustrated with the baby's constant crying. They started to leave the baby in a different room on the other side of the house

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for hours at a time in order to get a break. On day eleven, Ellen went in to check on the baby in the morning when she woke up. Neither she nor Jason had checked the baby since right after dinner the night before. The baby was not breathing and felt cold and looked a little bit blue. She screamed. Jason ran in. They panicked, took the baby to a park on the other side of town, and left the deceased baby in the trashcan in the park restroom. When you catch up with Jason and Ellen, what additional crime(s) can you arrest them for?

Murder 1st (Felony Murder Rule--BARRK felony)

5. Zach and Nicole work together. Nicole thinks that Zach is ugly, gross, and disgusting, particularly when he is eating during lunch. Normally they have to eat in the same lunch room at the same time. Nicole has had enough, and one day Nicole tells Zach that she will slash the tires of his car unless he either stops eating lunch in the lunch room or takes his break at a different time than her. Zach complies for a few days, but then he decides that this has got to stop. He calls 911. You contact him and listen to his story. He asks you if there is anything you can do to help him with Nicole. What, if anything, can you do?

Tell him Nicole has committed Coercion (threat to control behavior), and you can arrest her if he is willing to give me a statement about this

6. Adam and Brad both grow prize-winning roses. At a regional competition, Adam took first place and Brad took second place. Brad leaves a note on Adam's front door telling him that if he does not withdraw immediately and forfeit his prize to the runner up, Brad will publicly accuse Adam of using illegal fertilizer/chemicals to grow his roses. This could ruin Adam's reputation even if it was never proven. What crime has Brad committed?

Extortion 2nd (threat to harm reputation in order to get prize)

7. Instead, Adam leaves a note on Brad's door telling him that if Brad says anything negative about him, Adam will burn down his green houses and destroy his roses. Identify the crime committed?

Coercion (threat to harm property in order to control behavior)

8. 32-year-old Thomas Nichols lived next door to the Johnson family, Gary and Cathy and their ten-year-old son Mark. Thomas had watched Mark come home from school every day to an empty house. He saw Mark begging his dad to play catch or go bike riding or fishing several nights a week for several months. He saw Cathy send Mark outside, regardless of the weather, because she needed quiet to finish work or to rest. Thomas believed that Gary and Cathy were unfit parents. He befriended Mark. One day, he asked Mark if Mark would like to be his son. Mark was very excited because Thomas did all the things with him that he wished his dad would do. Mark wanted to be his son, but he asked how they could do that. Thomas told him they would pack and move to a new place and start over as father and son. Mark agreed to go. They left and went to a different state. Two months later, a teacher at Mark's new school recognized Mark from a news report of a missing child. She called the police. What, if any, crime was committed?

Kidnapping 2nd (suspect intent does not meet 1st degree)

9. Does anything change if Thomas is Mark's uncle?

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Custodial Interference 1st (relative, takes and hides child for extended period)

10. Paul and Elizabeth are married. One day they have an argument. Paul says that he is fed up and is moving out; he wants a divorce. Paul heads for the front door. Elizabeth stands in the entry way, blocking his access to the door, begging him not to leave and asking him to stay and try to work this out. Paul does not want to push past her, so he listens to her crying for about three minutes; then he turns, goes out the back door, and leaves. What, if any, crime has occurred? Is this a DV call? Is this a mandatory arrest?

No crime (but you should be thinking about Unlawful Imprisonment; it requires one to “interfere substantially with their liberty” and three minutes and a back door will not meet that standard here); YES it’s a DV (document & provide resource info); NO it’s not a mandatory arrest (it’s not any arrest!)

11. Does anything change if there is no back door, so Paul brushes past Elizabeth and exits? As he goes past, she grabs his arm as he goes by and again begs him to stay. Paul tells her to let go and leave him alone. She holds his arm for a few more seconds then releases it. He is not injured, and he leaves. Is there a crime? Is this a DV? Is this a mandatory arrest?

Assault 4th (unwanted touching)-DV, but no injury so not a mandatory arrest; it is not Unlawful Imprisonment yet (still no substantial interference)

12. Does anything change from #11 if Elizabeth blocks the door and tells Paul that if he leaves, she will assault him, call the police and accuse him of assaulting her? He wants to leave and tries to go around her. She shifts position to stay between him and the door and pulls out her cell phone. Paul stops. She had called the police before, and he almost got arrested because of her lies. Paul is afraid because Elizabeth can be very convincing. He stays, pacing in the hallway, for about 30 minutes listening to Elizabeth explain how they can make things work in their relationship. She keeps her phone handy and stays near the door. Finally, she allows him to leave. Identify the crime(s) committed.

Unlawful Imprisonment and Coercion - DV

13. Five-year-old Randy is playing at the park. His mom brought him and his two siblings. They are all running around playing on the toys. Randy is off on the edge of the play area alone digging in the sand. Mike, a 46-yr-old man who is unknown to Randy, comes over and asks Randy if he has seen his puppy. Randy says no, but he asks Mike what kind of puppy because he loves dogs. Mike tells Randy it is a yellow Lab puppy named Nugget and asks if Randy would help him look for Nugget. Randy gets excited and goes off with Mike to find Nugget. Mike discretely leads Randy off toward a secluded part of the park behind a restroom building and two hundred yards away from the play area. Twenty feet behind the building is a wooded area. Mike and Randy are near the front of the building, and before Mike can direct Randy toward the back, Randy’s mom and two men with her start yelling to Randy to come back. The two men are running toward Mike. He tells Randy that he has to leave and runs away, but police stop him a block from the park. Can they arrest him for anything?

Luring (trying to get the child into a secluded/isolated area)---Kidnapping requires INTENT to ABDUCT so even trying to articulate PC for an Attempted Kidnap can be difficult; LURING covers that loophole by lowering the mental state to

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KNOWLEDGE and trying to lure victim into a vehicle or area obscured from the public.

14. Fred was walking through a park at 11 AM and saw a man passed out on a park bench with an empty bottle of alcohol next to him. He reached into the man's coat pocket and removed two twenty dollar bills. He took the man's gold wristwatch, too; the watch was worth \$180. For what would you arrest Fred?

Theft 1st (took from the man's person, pickpocket; not robbery because no fear or force); strictly by dollar value, this is a theft 3, but the invasion of someone's personal space is more significant and raises the stake

15. Vince was desperate for money to pay his bills and feed his family since he got laid off. He was outside the grocery store working up the nerve to go in and shoplift some food. He saw a frail-looking man in his seventies walk to a brand new BMW, and he got an idea. Vince went up behind the man, pressed his finger into the man's back and said, "Don't make me shoot you, just give me your wallet." The man did. His wallet was a \$124 leather wallet containing three credit cards and \$147 cash. Vince told the man to get into his car. Vince got in behind him. He ordered the man to drive to the local mall. Vince had the man park far away from the entrance and get out. Vince drove off in the car, blending in with traffic, and drove to a park-n-ride where he dumped the car and caught the bus home. Identify the crimes Vince committed.

Robbery 1st (threats + took stuff with what "appeared to be a deadly weapon"), Kidnapping 1st (with INTENT to facilitate flight from), Theft 2nd (access devices), and Theft of a Motor Vehicle ("Auto Theft," more than joyriding; the suspect stole the car and used it as a means of escape, more than just taking it to drive it)

16. Ronny was a mentally challenged 19-year-old who grew up in the same neighborhood his whole life. Although he was not capable of living on his own, he was able to work a part-time job stocking shelves and sweeping floors at Mac's Hardware Store. Every afternoon Ronny walked the fourteen blocks from home to work. One day, it was raining while Ronny walked. Milt was driving to Mac's for an emergency plumbing repair when he saw Ronny. He knew who Ronny was and about his mental problems because his daughter had gone to the same school for a few years. Milt pulled up to Ronny and asked him if he wanted a ride. Ronny talked to him at the window for a few seconds then got inside. Mary was watching from her window and saw a man she did not know trying to get Ronny into his car. She called 911. Milt is pulling into a parking space in front of Mac's Hardware when you catch up to and stop him. Would you arrest? If so, what for? If not, why?

This is possibly a LURING case because with Ronny's lowered mental capacity, he may not be able to consent (acquiesce). You definitely have a Terry stop; however, if your investigation shows that Milt was just giving Ronny a ride to work, you should recognize that Milt has a solid affirmative defense—, and you should probably not make an arrest. I would write a report for documentation.

17. Does anything change if, when you stop Milt, he is two miles past Mac's Hardware Store still driving away when you initiate contact?

Kidnapping 2 (restrain by acquiescence and abduct by secreting him somewhere he is not likely to be found)

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18. Suzy was five months pregnant when she had a miscarriage. This was the second time it had happened. She was upset and depressed; her doctor told her this was normal and referred her for post-partum depression counseling. Suzy went to the hospital for her first appointment, but she decided that she had a better idea. She knew that she would make a good mom if she just had a chance. She slipped into a storage room and found a set of nurse's scrubs. She put them on. She went up to the nursery and told the attending nurse that HR had called her in for relief because of short staffing. The attending nurse was busy trying to handle several crying babies who needed tending. She was grateful for the help. Suzy puttered around in the nursery "helping" until the other nurse left to bring a baby in to his mother's room for feeding. When the coast was clear, she grabbed a baby girl and left. When the baby's absence was discovered, the parents were off-the-charts angry and scared. Several days later, the investigation led to Suzy's house. Suzy had the baby in her own nursery; she was well fed and in good health. Identify the crimes committed.

Kidnapping 2nd (suspect's intent was just to care for the baby not to cause the distress of the parents); Criminal Impersonation 1st (impersonates nurse to facilitate kidnapping); Theft 3rd for scrubs; Burg 2? Only if access restricted. Interfering w/ Health Care Facility? No - spirit of the was law to protect abortion protests.

19. Five-yr-old Joey is grocery shopping with mom. While mom is in the produce area, Joey wanders several aisles down into the snack aisle. Walter is the 36-yr-old Assistant Manager of the store. He was watching Joey from his upstairs office window that looks down over the store. When he sees Joey walk away from mom, Walter hurries down to the snack aisle. He pretends to be checking products on the shelves as he makes his way to Joey. He casually tells Joey that he works for the store and asks if Joey needs help with anything. Joey says, "No, I'm just trying to decide what I want so I can ask mom to get it. I think I want Double Stuff Oreos." Walter tells Joey that those are his favorite, too; and since he works at the store, he always keeps some in his office. Walter asks Joey if he wants to go up to his office and have some Oreos. Joey is all excited and hurries off with Walter. As Walter opens door to the "Employee Only" area, Joey's mom sees them and calls out to Joey to stop and come to her immediately. Walter quickly tries to tell her that he thought the boy was lost and he was just trying to help him; but mom is suspicious. She asks Joey where he was going. When he tells her about the cookies, she knows something is wrong with this picture. She calls 911. When you arrive, she and Joey tell you the story. Has a crime been committed? If so, which one?

Luring (trying to get Joey into an area inaccessible to the public)

At this point in the assignment, please stop. After a class review of the answers, you will begin the next section which requires you to investigate a police call and describe your investigative steps, tactics, etc...

DO THEM IN ORDER. DO NOT LOOK AHEAD!

As you complete sections, new information will be provided to further your investigation. Use the BLEA 5-step Problem-solving Model to work through each step.

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Begin your police investigation now. You have 30 minutes.

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21. Hopefully at some point in the steps above, you thought that you should check for witnesses. Now you notice an elderly gentleman sitting on a bench near the entrance watching all the activity. You tell him why you are here and ask him if he might have seen the boy or anything else suspicious. He tells you that he has been sitting in the same spot "people watching" for at least an hour while his daughter shopped, and he did not see any children under 16-yrs-old come out the door. How does this new information affect your investigation? Go back to Steps 2-5 and update them appropriately.
22. Knowing that Joey did not come out through the store entrance prompts you to double check what searching had been done prior to your arrival. A cashier who is staying with mom tells you that the Assistant Manager, Walter had employees check the store. No one found him. You ask to speak with Walter. She tells you that Walter disappeared just as you arrived. He is not answering when they page him. You do some checking and another employee says that he saw Walter heading toward the restricted access stock room ten minutes earlier and now he has noticed that Walter's car is gone. The employee tells you that the stairs to Walter's office and an employee entrance/exit are also back in the stock room. How does this new information affect your investigation? Go back to Steps 2-5 and update them appropriately.
23. You ask the employee if you can go check that area (the stock room and restricted area) yourself. He says, "That's fine." You check the stock room and do not find Joey or Walter. You go upstairs to the office and find the door locked. You knock a couple times and then hear a small voice say, "The door is locked. I can't let you in. Is that you, Walter?" You identify yourself and ask if you are talking to Joey. Joey affirms that. You determine that he is alone in the office and that he cannot unlock the door from his side. How does this new information affect your investigation? Go back to Steps 2-5 and update them appropriately.

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24. You check with employees and find that no one at the store has keys, but you determine the store Manager has keys and lives a block away. He is supposed to be coming in to work in an hour anyway. You call him and explain the situation; he comes right over. He tells you that Walter only started working there a few weeks ago, but he would never have expected him to behave this way. How does this new information affect your investigation? Go back to Steps 2-5 and update them appropriately.
25. Do you have enough information at this point to complete a basic initial investigation and determine what, if anything, the police need to do in this situation? If yes, document your resolution here. If no, what is the resolution you think you are headed toward and what additional information do you need to get there?

The END☺