

Criminal justice assignment

Law



**ASSIGN
BUSTER**

She had faced up to four years in prison. (Staff, 2012) John C. Douches, head of the District Attorney's Special Investigations Bureau, said Hazardous came up with a scheme that involved checks on accounts with insufficient funds, citing that she was the only teller who handled such checks. " She was in a position of financial trust," Douches said, noting that nobody oversaw her handling of the checks. Justice Wolfgang also gave a former lawyer from Hamburg a conditional discharge on his fourth-degree grand larceny and petit larceny convictions for stealing more than \$16, 000 from clients.

In another case of larceny, reported by Investigator Douches, attorney James F. Armstrong, 41, stole \$15, 660 last summer from one client and \$1, 000 in 2010 from another client. (Staff, 2012) He previously pleaded guilty to the charges. Both clients entrusted Armstrong to hold the money in trust as part of real estate transactions. It was reported by Douches that Armstrong had paid the money back. Armstrong resigned from practicing law and now is banned from appearing as an attorney. He also faced up to four years in prison. The persistence report recommended the conditional discharge.

Armstrong had never been in legal trouble before, paid the money back, and subsequently lost his license to practice law as a result of the theft. (Staff, 2012) Larceny is the unauthorized taking and removal of the personal property, of another, by an individual who intends to permanently deprive the owner of it; in essence it's a crime against the right of possession. Larceny is generally relevant with cases of nonviolent theft. It is derived from a common-law term by the royal courts of England in the seventeenth century.

In the United States, most Jurisdictions have eliminated the crime of Larceny from statutory codes, in favor of a general theft statute. (Arranging, 2006)

The crime of larceny was developed to punish the taking of property in nonviolent face-to-face encounters, and to set it apart from Robbery.

Robbery involved some measure of violence in connection with theft, and the courts did not feel that a nonviolent theft should warrant the same punishment. Larceny was nevertheless punished severely. A person convicted of larceny could receive the death penalty or be sentenced to many years in prison.

The English courts were careful not to encroach on the lawmaking rights of the British Parliament, so they Criminal Justice By management larceny only if he or she had some physical interaction with the victim; the victim relinquished property that was in the victim's possession at the time of the taking; the defendant was not in lawful possession of the stolen goods at the time of the taking; and the defendant actually carried the property away at the time of the interaction. Over time the English courts recognized the need to expand the concept of larceny.

In the absence of legislative action, they created new offenses based on the manner in which the theft was accomplished. Embezzlement was created in the eighteenth century to punish the misappropriation of property after lawful possession. This charge would apply, for example, if a store clerk accepted a customer's money in a legal sale, and then took that money for his or her own use. Embezzlement was punished more severely than larceny because it involved a breach of trust. Larceny by trick was created to punish

the taking of property with the owner's consent when that consent was obtained by Fraud or deceit.

Before the courts created the offense of larceny by trick, defendants who had swindled their victims were able to argue that they had not committed larceny because the victims had willfully given them property. Shortly after the courts created larceny by trick, they created the crime of obtaining property by False Pretenses. Before, a defendant who induced a person to part with the title to property could escape prosecution because the victim transferred not actual possession of the property but only title to the property. This commercial form of taking was made illegal under the law of false pretenses.

The English courts also began to make distinctions based on the value of the stolen property. Grand larceny was any larceny of property worth more than a certain amount of money. Any larceny of property worth less than that amount was called petit larceny and was punished less severely. In time the issue of nonviolent theft became too complex for solution through case law, and the British Parliament began to enact statutes that more clearly defined it. The law of larceny and related offenses was adopted in the United States and remained in effect throughout the country's early history.

Then, in the twentieth century, many legislatures abolished it in favor of a broad theft statute. In North Dakota, for example, the crime of theft now includes " larceny, stealing, purloining, embezzlement, obtaining money or property by false pretenses, Extortion, blackmail, fraudulent conversion, Receiving Stolen Property, misappropriation of public funds, and swindling.

The sweeping theft statutes are favored by prosecutors because they make it less likely that a defendant can escape punishment by arguing that one of the discrete elements in a larceny, embezzlement, or related theft was not proved.

Under larceny statutes persons who commit theft can escape punishment if the prosecutor does not choose the correct charge. Under broad theft statutes, prosecutors need only be concerned with the intent to steal and the value of the property involved. In states that have incorporated larceny into a broad theft statute, the punishment for a theft is based largely on the value of the stolen property. In Iowa, for example, theft of property exceeding \$10, 000 in value, theft directly from another's person, and theft of property in and around certain abandoned buildings is theft in the first degree, a class C felony.

A class C felony is punishable by a prison term of up to ten years and in value is theft in the fifth degree, a simple misdemeanors, which may be punished with a fine of up to \$100 and an order to perform some community service specified by the Judge. The broad theft statutes do not cover all possible theft offenses. States that have a theft statute also maintain statutes prohibiting such acts as the unauthorized use of an automobile, forgery, fraud, deceptive business practices, receiving stolen property, extortion, theft of services, and theft of property that was lost, mislaid, or delivered by mistake.

Massachusetts is one state that has retained its larceny statutes. The general larceny statute in Massachusetts combines the crime of

embezzlement with larceny. Under this statute anyone who steals, or with intent to defraud obtains by a false pretense, or whoever unlawfully, and with intent to steal or embezzle, converts, or secretes with intent to convert, the property of another whether such property is or is not in his possession at the time of such conversion or secreting, shall be guilty of larceny.

Massachusetts also has several other larceny statutes, some of which identify a certain act as larceny. For example, the crime of false pretenses relating to contracts, banking transactions, or credit is specifically defined as larceny. This statute is necessary because the general larceny statute does not cover such theft. Larceny and theft are distinct from burglary, which is committed when a person trespasses into a dwelling or other building with the intent to commit a crime.

Burglary does not necessarily consist of the taking of property, although the intent to steal can upgrade a criminal charge from trespassing to burglary. Larceny is also different from shoplifting, which involves the theft of property from a place of business. Most states have eliminated the crime of shoplifting along with larceny, embezzlement, false pretenses, and similar offenses, in creating one broad theft statute. In all states larceny and theft are distinct from robbery. Robbery involves the threat of force or the actual use of force in connection with a theft.

The line between robbery, and larceny or theft is unsteady. If a perpetrator plies the victim with alcohol or drugs, most courts consider this a form of force that boosts the crime from larceny or theft to robbery. If a perpetrator simply moves a person who is unconscious through no fault of the

perpetrator, the movement may not constitute the kind of force that gives rise to robbery. Most courts refuse to convict a defendant of robbery if the victim was unaware of any use of force, but the defendant may be charged with larceny or theft.

Larceny and theft generally are a matter of state law. Congress maintains a few federal laws regarding thefts that have federal implications. These statutes include theft at lending, credit, and insurance institutions; theft of interstate shipments of goods; theft on waterways and oceans; and theft by court officers. Larceny can be seen as an emotional reallocation for the victims as well as the suspects. For the victim, the thought first approaches as shock, from the aspect, that their very livelihood had been affected.

The thought that someone could invade another's property and personal finance, without any notification, crosses many as an offensive and inhumane approach of crime. The next step for the victim becomes anger that their belongings have been taken and they don't know who committed the crime. Then that anger becomes depression, which is often accompanied with the may be a certain sense of adrenaline, during the time that the crime of larceny is committed. Following that, would most likely be a split path of emotions, one leading to happiness and satisfaction for their accomplishment, the other path leading awards a sense of guilt and remorse.

Since larceny, focuses on risk and reward, the risk must become greater, while the reward is devalued. (Arranging, 2006) A lot of larceny prevention occurs, through educating the community about the types of larceny, as well

as advocating more deterrents for prospective larceny criminals. The prevention of larceny also presides on how harsh of a penalty a criminal faces for committing the crime, thus making it into a situation where the higher the risk of being seriously punished, the less likely it is for someone to pursue the reward, of the criminal act. Arranging, 2006) Many states don't carry heavy penalties for larceny unless it affects someone, in excess of 10,000, therefore making the risk much more worth it, as opposed to if even a 1,000 theft warranted a five year prison term. To propose a theory, it is my firm belief that stiffer penalties are definitely warranted in all scenarios of larceny, whether petty or grand. The basis of reparations should be equated into all sentencing, with the criminal paying the victim back one hundred and fifty percent of all property taken. If the amount cannot be paid back, a year of prison should be partaken based on the scale of the amount.

Larger amounts, which would fall into the grand larceny category, should be arraigned in prison sentencing first with anything over five hundred dollars resulting in no less than half a year imprisonment, with the years increasing after that by amount stolen. Life sentences should be given in any situation, where a death has resulted from the larceny or the amount stolen is in excess of one million dollars. Although larceny is a serious crime, law officials and community leaders have still yet to take a more serious stance on prevention and punishment, and until that step is taken, many victims will continue to lose, while criminals thrive.