

## **CJ 335 Study Guide 4**

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**NOTE: Study guides (and exams) are drawn from BOTH lectures and the textbook chapters assigned. These terms and issues are sometimes drawn exclusively from the lecture, on rare occasions from just the textbook, but usually are referred to in both formats**

### **Burglary, Trespass, Arson, and Mischief**

- burglary vs. unprivileged entry; breaking/entering, night time requirement, surreptitious remaining
- arson, malicious burning

**Other Issues:** What are the common law definitions of burglary and arson and how have these definitions changed in modern statutes? What makes trespass different than burglary? What makes mischief different from arson? What is the “California” or modern statutory approach to burglary? (expansion of the type of building or structure included—e.g. vehicles, businesses, not just dwellings).

### **Crimes Against Property**

- larceny: trespassory taking/carrying away of personal property of another with intent to permanently deprive
- bailment, bailor, bailee
- embezzlement/fraud—false pretenses
- robbery, extortion

**Other Issues:** Understand the definitions of larceny, embezzlement, and fraud as they appear in modern statutes and as they did at common law. What is a “consolidated theft statute?” What is the history of “theft” law? Why weren’t persons who obtained property by deceit considered criminals in medieval times? Define receipt of stolen property. What is “constructive knowledge?” What is a “fence?”

### **White Collar Crime**

- Securities fraud (insider trading, churning, fiduciary relationship)
- mail fraud, money laundering
- Antitrust violations, Sherman Anti-trust act
- Bribery, public corruption

- Health or welfare fraud
- RICO (racketeering and corrupt organizations act)

### **Crimes Against Public Order and Morality**

- vagrancy; time place or manner restriction; obscenity
- broken windows theory; prostitution, victimless crime
- pandering, hooking, pimping, loitering

**Other Issues:** Why are laws punishing unlawful assembly, riot, disorderly conduct, excessive noise, etc. so problematic for law enforcement? What types of behavior can states criminalize without running afoul of the First Amendment? What are “fighting words?” What is a “time, place, or manner” restriction? Define obscenity under the *Roth* standard and under today’s *Miller* standard. What are the major differences?

### **Narcotics and Alcohol prosecution**

- property forfeiture, .08 statutory DWI limit, avg. BAC level for a first time DWI offender (.14)

**Other Issues:** Identify the Federal Controlled Substances Act. What three factors go into determining culpability for most drug offenses? What are mandatory minimum sentences and how have they influenced federal drug policy? What does it mean to classify drugs into different Schedules? How does federal drug enforcement use conspiracy law to enforce prohibitions on drugs? Actual possession vs. Constructive possession. Implied consent laws.