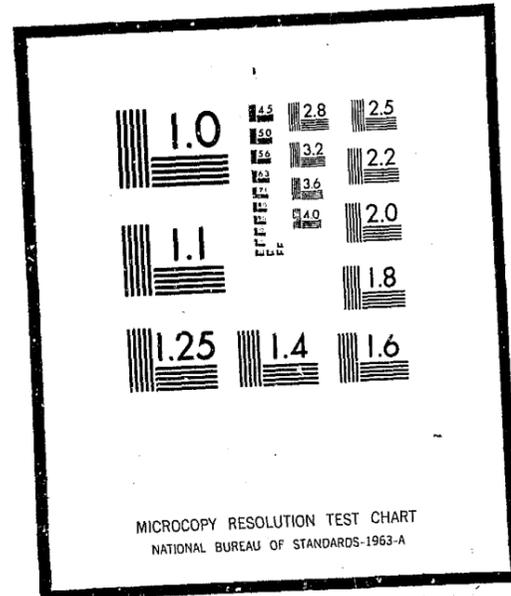


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U.S. DEPARTMENT OF JUSTICE  
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION  
NATIONAL CRIMINAL JUSTICE REFERENCE SERVICE  
WASHINGTON, D.C. 20531

Date filmed

1/28/76

## SOUTH CAROLINA LAW ENFORCEMENT ETV TRAINING PROGRAM

• 177 •

# BASIC CRIMINAL LAW

(Larceny and related offenses. Sect. 1)

## PART VIII

### STUDY WORKBOOK

prepared by SOUTH CAROLINA LAW ENFORCEMENT DIVISION • in cooperation with SOUTH CAROLINA EDUCATIONAL TELEVISION NETWORK

SOUTH CAROLINA LAW ENFORCEMENT-ETV TRAINING PROGRAM

FROM CRIME TO COURT

"Basic Criminal Law", Part 4 -  
Larceny and Related Offenses, Section 1,  
Study Workbook

Study Workbook

LAW ENFORCEMENT - E.T.V. TRAINING PROGRAM

"Basic Criminal Law"

By

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Sponsored by

South Carolina Law Enforcement Division  
in cooperation with  
South Carolina Educational Television Network

Endorsed by

South Carolina Governor, Robert E. McNair  
South Carolina Sheriffs' Association  
South Carolina Law Enforcement Officers' Association  
South Carolina Police Chiefs' Executive Association  
South Carolina F.B.I. National Academy Associates  
South Carolina Southern Police Institute Associates

Program Objectives

The material contained herein relates to its accompanying TV presentation. It enlarges upon the general topic of "Basic Criminal Law" and deals with Larceny and related offenses.

LAW ENFORCEMENT - ETV TRAINING PROGRAM

Review and Study Workbook

INSTRUCTIONS: This review and study workbook is designed to be of use both during the group discussion period, which follows a television program, and by you at home on your own.

It should serve as (1) an effective aid to the Group Discussion Leader and to you for engaging in group discussions after you have viewed a TV program; also, it should serve as (2) a means for you to privately check and see how well you learned the points covered in the TV lesson; and (3) as an opportunity for you to review the material on your own, at home, to be sure that you have gotten all out of the TV program and the group discussion that you want to.

Here is how the Study Workbook is to be used.

FOR THE GROUP DISCUSSION PERIOD

For the group discussion period which follows the television program, the discussion leader will provide you with the general and specific instructions. Just be sure that you write the answers he provides you in the space between the dashed lines and not in the blank spaces of the body of the items themselves. You will see what is meant when you get into the workbook proper.

FOR HOME REVIEW AND STUDY

Use the Workbook for review and study on your own as follows:

Before you get to the first item, cover the printed text of the workbook with a blank sheet of paper. Slide the blank paper down until you come to a triple star or asterick (\*\*\*) . Continue reading the printed material, above the stars, until you come to a numbered blank.

Fill in the blank with the word, words, or sentences which is/are missing to make sense out of the sentence so that it will then read correctly.

After you have filled in all of the blanks which are contained in an item, slide the loose sheet of paper down from

its position, even with the stars, until it is just far enough to reveal the numbered correct answer or answers. These will be the answers which you have already filled in during the group discussion period. The numbers on these answers will correspond to the numbered blank or blanks which you will have just completed in the body of the item at home.

Next, slide the blank paper down past the printed material of the next item until you come to another set of three stars. Stop the blank paper so as not to reveal the answers. Answer the item by filling in the blanks. Proceed throughout the Workbook as just described.

By using this method at home, you can both (1) check to see how well you have learned the content of the associated television program; and you can (2) find out immediately, item by item, whether the answer you have just given is correct.

Even after the workbook has been filled in, both in the blanks contained in the body of the items and between the dashed lines, it provides an excellent means for review.

An EXAMPLE of how to use this "Study Workbook" at home is as follows:

Larceny has been defined at (1) \_\_\_\_\_ law.

\*\*\* Note: Throughout the Workbook, the three stars indicate that you should not slide your blank paper farther down until you have given your answer or answers by filling in all the blanks in the item -- after you have written your answer[s], slide the blank paper on down to reveal the answer[s].

-----  
Answer: (1) common \* (See footnote at bottom of page.)

Note: Although the answer is printed in on this page of example, ordinarily this page would not contain the answer until you write it in during the group discussion period.

-----  
\* Note: In some cases there may be other words which mean the same thing as those given you as the answer. When this is true, the important fact is whether you have given an answer which does not differ significantly in meaning from the one given as the "correct" answer.

As another example, an item might call for more than one answer.

(Now, slide the blank paper down past the next item, stopping when you come to the three stars, and proceed, as above.)

Larceny has been defined at common law as follows:  
Larceny is the felonious (2) \_\_\_\_\_ and (3) \_\_\_\_\_ of the personal goods of another with the intent to steal.

\*\*\*

-----  
Answers: (2) taking  
(3) carrying away  
-----

If there are any further questions about how to use the Study Workbook, either during the group discussion period or at home, do not hesitate to ask your group discussion leader for additional instructions.

Now to proceed with your review:

Before there can be a larceny committed, there must be a taking. The word "taking" has reference to the gaining of

(4) \_\_\_\_\_.

\*\*\*

-----  
Answer: (4) \_\_\_\_\_  
-----

A person may/may not (5) \_\_\_\_\_ commit larceny by causing possession to be acquired by another.

\*\*\*

-----  
Answer: (5) \_\_\_\_\_  
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For example, where one person wrongfully sells another's bicycle to an innocent purchaser who rides away in the good faith belief that he has bought it from the true owner, the seller has committed larceny even though he never touched the vehicle. The possession of the bicycle would have been taken as fully under the circumstances as if the thief had stolen it first, transported the bicycle some distance, and then sold it. There must be a taking of possession either by the thief himself or someone else at the instigation of the thief before there can be a larceny.

A taking of possession must have occurred before a larceny can be said to have been committed; however, it must have been a (6) \_\_\_\_\_ taking.

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Answer: (6) \_\_\_\_\_  
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A trespassory taking is a taking that occurred (7)

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\*\*\*

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Answer: (7) \_\_\_\_\_  
-----

If the taking is consented to by the one in possession of the property, there is no larceny unless the consent was obtained by (8) \_\_\_\_\_ or (9) \_\_\_\_\_.

\*\*\*

-----  
Answer: (8) \_\_\_\_\_

(9) \_\_\_\_\_  
-----

If a person either expressly or impliedly consents to another acquiring possession of his property, there can be no larceny committed.

The fact that an owner leaves his property unguarded will/will not (10) \_\_\_\_\_ authorize another to take it.

\*\*\*

-----  
Answer: (10) \_\_\_\_\_  
-----

Carelessness or negligence cannot bring about implied consent.

A word that means the same thing as carrying away is (11) \_\_\_\_\_.

\*\*\*

Answer: (11) \_\_\_\_\_

Before a larceny can occur, there must be a carrying away, i.e., an asportation, of the property.

The property need not be taken any specific distance. The slightest movement is sufficient, and it need not be removed from the owner's premises.

To remove someone else's property without the owner's consent with felonious intent from one part of the premises to another or from one room to another or from one place in a room to another place in the same room is a sufficient asportation. The slightest removal of property from the place which is occupied by a person intending to steal is a sufficient carrying away to constitute larceny.

If every part of an article is removed from the space which it occupied just before it was taken, there is/is not (12) \_\_\_\_\_ sufficient asportation.

\*\*\*

Answer: (12) \_\_\_\_\_

If the position of an article is altered but the article is not removed from the spot where it lies, there is/is no (13) \_\_\_\_\_ asportation.

\*\*\*

Answer: (13) \_\_\_\_\_

The subject of larceny is (14) \_\_\_\_\_

\*\*\*

Answer: (14) \_\_\_\_\_

Land and those things attached to the land constitute (15) \_\_\_\_\_ property.

\*\*\*

Answer: (15) \_\_\_\_\_

At common law, the crime of larceny could be/could not be (16) \_\_\_\_\_ committed against real estate.

\*\*\*

Answer: (16) \_\_\_\_\_

It would/would not be (17) \_\_\_\_\_ larceny to take an apple growing on a tree belonging to another without the other's consent.

\*\*\*

-----  
Answer: (17) \_\_\_\_\_  
-----

The common law view that larceny cannot be committed against real property has/has not been (18) \_\_\_\_\_ modified in a number of instances.

\*\*\*

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Answer: (18) \_\_\_\_\_  
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Whenever an officer is confronted with what appears to be a larceny case, he should first look in the (19) \_\_\_\_\_ to the Criminal Laws of the State which may be found at Volume 13 of the South Carolina Code of Laws.

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Answer: (19) \_\_\_\_\_  
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There is/is not (20) \_\_\_\_\_ a statute in South Carolina declaring it unlawful for one to steal another's tobacco plants.

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Answer: (20) \_\_\_\_\_  
-----

There is/is not (21) \_\_\_\_\_ a statute which makes it a crime for one to steal electrical current from a power company.

\*\*\*

-----  
Answer: (21) \_\_\_\_\_  
-----

Larceny is a crime against possession/ownership (22) \_\_\_\_\_ of another.

\*\*\*

-----  
Answer: (22) \_\_\_\_\_  
-----

Possession and ownership mean/do not mean (23) \_\_\_\_\_ the same thing.

\*\*\*

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Answer: (23) \_\_\_\_\_  
-----

Possession and custody mean/do not mean (24) \_\_\_\_\_  
the same thing.

\*\*\*

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Answer: (24) \_\_\_\_\_  
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If a person has possession of property, he cannot, in the absence of a statute to the contrary, wrongfully take and carry it away.

Where one has possession of another's property and wrongfully appropriates it, he may be guilty either of (25) \_\_\_\_\_ or (26) \_\_\_\_\_, depending upon whether he is a public official or not in charge of public funds.

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-----  
Answers: (25) \_\_\_\_\_  
(26) \_\_\_\_\_  
-----

The (27) \_\_\_\_\_ statute applies to thefts of public funds by public officers.

\*\*\*

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Answer: (27) \_\_\_\_\_  
-----

The statute to be used where neither larceny nor embezzlement is involved, but where a theft has been committed, ordinarily would be a statute which is called the (28) \_\_\_\_\_ statute.

\*\*\*

-----  
Answer: (28) \_\_\_\_\_  
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The latter statute does not apply to a public official's taking public funds, but it does apply to fiduciaries misappropriating funds, for example, a guardian or a minor of incompetent or an administrator of an estate.

The common law offense of larceny will/will not (29) \_\_\_\_\_ apply where one has custody of another's personal property and that person appropriates that property to his own use with an intent to steal.

\*\*\*

-----  
Answer: (29) \_\_\_\_\_  
-----

An owner can/cannot (30) \_\_\_\_\_ steal his own property.

\*\*\*

-----  
Answer: (30) \_\_\_\_\_  
-----

An owner may be guilty of larceny of his own goods where another has lawful possession of the owner's property and the owner does not have a right of possession.

Define possession: (31) \_\_\_\_\_  
\_\_\_\_\_.

\*\*\*

-----  
Answer: (31) \_\_\_\_\_  
\_\_\_\_\_

Define custody: (32) \_\_\_\_\_  
\_\_\_\_\_.

\*\*\*

-----  
Answer: (32) \_\_\_\_\_  
\_\_\_\_\_

Where a customer is allowed to try on a coat while he is in the store, the customer has custody/possession (33) \_\_\_\_\_ of the coat.

\*\*\*

-----  
Answer: (33) \_\_\_\_\_  
-----

Where an employee is given money to deposit in the bank for his employer, the employee has possession/custody (34) \_\_\_\_\_ of the money.

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Answer: (34) \_\_\_\_\_  
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Should the customer steal the coat, he would be guilty of (35) \_\_\_\_\_.

\*\*\*

-----  
Answer: (35) \_\_\_\_\_  
-----

Should the employee steal the money, he would be guilty of (36) \_\_\_\_\_.

\*\*\*

-----  
Answer: (36) \_\_\_\_\_  
-----

The taking and carrying away of another's personal property must be done with the intent to (37) \_\_\_\_\_.

\*\*\*

-----  
Answer: (37) \_\_\_\_\_  
 -----

Should one person take another's property inadvertently, by mistake, or in the good faith belief that he has either permission or the right to take the property, there can be no larceny committed. The thief must intend to steal the property, that is, to deprive the owner or one in lawful possession of the property, permanently of it.

An intent to deprive one temporarily of his property is/is not (38) \_\_\_\_\_ sufficient.

\*\*\*

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Answer: (38) \_\_\_\_\_  
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## ANSWER SHEET

- |                                     |                                                                                                  |
|-------------------------------------|--------------------------------------------------------------------------------------------------|
| 1. common                           | 24. do not mean                                                                                  |
| 2. taking                           | 25. embezzlement                                                                                 |
| 3. carrying away                    | 26. breach of trust                                                                              |
| 4. possession                       | 27. embezzlement                                                                                 |
| 5. may                              | 28. breach of trust                                                                              |
| 6. trespassory                      | 29. will                                                                                         |
| 7. without the consent of the owner | 30. can                                                                                          |
| 8. fraud                            | 31. present right and power to control or dispose of a thing                                     |
| 9. duress                           | 32. the power to care for a thing for another who retains the right to control or dispose of it. |
| 10. will not                        | 33. custody                                                                                      |
| 11. asportation                     | 34. custody                                                                                      |
| 12. is                              | 35. larceny                                                                                      |
| 13. there is no                     | 36. larceny                                                                                      |
| 14. personal property               | 37. steal                                                                                        |
| 15. real                            | 38. is not                                                                                       |
| 16. could not be                    |                                                                                                  |
| 17. would not be                    |                                                                                                  |
| 18. has been                        |                                                                                                  |
| 19. index                           |                                                                                                  |
| 20. there is (Section 3-43)         |                                                                                                  |
| 21. is (Section 24-451)             |                                                                                                  |
| 22. possession                      |                                                                                                  |
| 23. do not mean                     |                                                                                                  |

\* \* \* \* \*  
\*  
\*  
\* A P P E N D I X \*  
\*  
\*  
\* \* \* \* \*

SELECTED STATUTES CONCERNING LARCENY  
AND RELATED OFFENSES

§ 16-352. PRIVILY STEALING FROM PERSON OR HOUSE GRAND LARCENY. The offense of privily stealing from the person or of privily entering and stealing from any house, in the night-time or daytime, shall in all cases be deemed and adjudged grand larceny and subject to the same punishment.

§ 16-353. (Code Supplement) PETIT LARCENY. Any simple larceny of any article of goods, choses in action, bank bills, bills receivable, chattels, or other article of personalty of which by law larceny may be committed or of any such fixture or part or product of the soil as was severed from the soil by an unlawful act, of the value of less than fifty dollars, shall be a misdemeanor and considered petit larceny, shall be triable in the magistrate's court and the punishment shall be not more than is permitted by law without presentment or indictment by the grand jury.

§ 16-359.5. (Code Supplement) PURSE SNATCHING. Any person who shall snatch suddenly and carry away from the person of another a purse or other thing of value with intent to deprive the owner or person lawfully in possession of such article in circumstances not constituting grand larceny, robbery, or privily stealing from the person shall be guilty of a misdemeanor and shall be punished by imprisonment for not more than two years.

§ 16-362. (Code Supplement) RECEIVING STOLEN GOODS. In all cases whatever when any goods or chattels or other property of which larceny may be committed shall have been feloniously taken or stolen by any person every person who shall buy or receive any such goods or chattels or other property knowing the same to have been stolen shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment, although the principal felon be not previously convicted and whether he is amenable to justice or not; provided, that when the chattel or other property stolen shall be of the value of less than fifty dollars the case shall be triable in the magistrate's court and the punishment shall be not more than is permitted by law without presentment or indictment of the grand jury.

§ 46-150.86. USE OF VEHICLE WITHOUT PERMISSION. (1) A person not entitled to possession of a vehicle who, without the consent of the owner and with intent to deprive him, temporarily or otherwise, of the vehicle of its possession, takes, uses or drives the vehicle is guilty of a misdemeanor and is punishable under subsection (1) of § 46-150.93.

(2) But if the deprivation of the owner was for a temporary purpose only, unconnected with the commission of or intent to commit a crime other than the taking of the vehicle, the offense is a misdemeanor and punishable under subsection (2) of § 46-150.93.

§ 16-363. EMBEZZLEMENT OF PUBLIC FUNDS A FELONY. All officers and other persons charged with the safekeeping, transfer and disbursements of any public funds who shall embezzle the same shall be guilty of a felony and, upon conviction thereof, shall be punished by fine and imprisonment, in the discretion of the court, such fine and imprisonment to be proportioned to the amount of the embezzlement. The person convicted of such felony shall be disqualified from every holding any office of honor or emolument in this State; provided, however, that the General Assembly, by a two-thirds vote, may remove any such disability upon payment in full of the principal and interest of the sum embezzled.

§ 16-365. BREACH OF TRUST WITH FRAUDULENT INTENT. Any person committing a breach of trust with a fraudulent intention shall be guilty of larceny and so shall any person who shall hire or counsel any other person to commit a breach of trust with a fraudulent intention.

§ 16-359.1. SHOPLIFTING. Any person who shall wilfully take possession of any goods, wares or merchandise offered for sale by any store or other mercantile establishment with the intention of converting such goods, wares or merchandise to his own use without paying the purchase price thereof, shall be guilty of the offense of shoplifting and, for a first offense, shall be punished by a fine of not more than three hundred dollars or imprisonment for not more than six months, or both. Any person found guilty of a second offense of shoplifting as defined in this section shall be punished by a fine of not more than five hundred dollars or imprisonment for not more than one year, or both. Any person found guilty of a third offense of shoplifting shall be punished by imprisonment for not less than one year nor more than five years.

§ 16-333. (Code Supplement) ROBBERY WHILE ARMED WITH DEADLY WEAPON. Any person convicted for the crime of robbery while armed with a pistol, dirk, slingshot, metal knuckles, razor or other deadly weapon shall suffer punishment by imprisonment at hard labor for a term of not exceeding twenty-five years, in the discretion of the presiding judge.

**STATEWIDE LAW ENFORCEMENT EDUCATION THROUGH TELEVISION**

This training program is made available through the cooperation of the South Carolina Law Enforcement Division, the South Carolina Educational Television Network and the U. S. Department of Justice through funds made available under the Law Enforcement Assistance Act of 1965.

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**END**