

# Robbery – Common Law

## Elements:

- (1) The taking and
  - (2) carrying away
  - (3) of the personal property of another
  - (4) from the person or presence of the victim
  - (5) by force or by the threat of force or violence
  - (6) with the intent to permanently deprive the owner of that property
- “Pickpocketing” is not robbery because it’s not done through force or violence.
  - The threat must be imminent. “Give me your money or I’ll kill you next week.” This is extortion, but not robbery.

# Modern Trends – Crimes Against Property

- Combine Larceny, Embezzlement and False Pretenses into one crime - “theft”
- Penalty for theft depends on the amount of money that was stolen
- Theft can range from a misdemeanor to a serious felony
- The crime of robbery contains various degrees
- Degrees of robbery based on level of violence threatened, level of violence used, injuries caused and weapon usage

# Modern Example of Theft - Florida

- Extremely broad definition of theft (“A person commits theft if he or she knowingly obtains or uses, or endeavors to obtain or to use, the property of another with intent to, either temporarily or permanently”)
  - Keeps specific intent
  - Attempt to steal is also theft
  - Receiving stolen property is included
  - Even using stolen property is included
  - Permanent intent to deprive not required

# Modern Example of Theft – Florida (cont.)

- Sentences for theft vary based on the type and amount of theft.
  - **First degree** theft if:
    - Any property stolen is over \$100,000
    - Ship cargo of more value than \$50,000
    - A car is stolen and causes damage of any value to property
    - In the course of a crime commission, property damage of \$1,000 is caused
  - **Second degree** theft if:
    - Any property stolen is over \$20,000 and less than \$100,000
    - Ship cargo stolen is less than \$50,000
    - Emergency medical equipment (having value in excess of \$300) is stolen.

# Modern Example of Theft – Florida (cont.)

- **Third Degree** Theft if:

- Any property stolen ranges in value from \$300 to \$20,000
- Property is something considered important; list includes: a will, a stop sign, a fire extinguisher, citrus fruit etc.

- **Petit (petty) theft** (misdemeanor):

- Any theft other than those that fall under 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> Degree Theft

- Degrees of theft may increase in severity for **aggravating factors** such as type of victim (i.e., senior citizen), dealing in stolen property, etc.

**QUIZ TIME**

# Modern Example of Robbery – New York

## Robbery defined:

While committing larceny, using force or threat of immediate force to prevent or overcome resistance or compelling the owner to give up the property

## Degrees of Robbery:

### ➤ **Third:**

- Any forcible stealing of property

### ➤ **Second:**

- Forcible stealing of property, combined with:
  - two or more people committing the robbery; or
  - causing an injury to a non-participant in the crime; or
  - defendant displaying what appears to be a gun; or
  - the robbery of a motor vehicle

### ➤ **First:**

- Forcible stealing of property, combined with:
  - serious physical injury caused to non-participant; or
  - defendant being armed with a deadly weapon (loaded)
  - defendant using or threatening to use a dangerous instrument.