



Other Thefts Packet

FRAUD



**grand
theft
auto**

Youth's Name: _____

Case Manager: _____

Date Assigned: _____

Date Due: _____

LARCENY

Larceny Defined: involves moving the item being stolen, whether it is moved a very small distance or completely out of the area is not important. Often it is in proving the obvious intent of the thief to take possession of an item that results in a verdict of larceny.

Larceny is committed when anyone takes an item of any value, with taking possession of valuable items being considered grand larceny. Petty theft is committed on a much larger scale, with shoplifting being the most common occurrence. Most people have committed larceny at some point in their life, and may have not realized they were committing a crime. For example, if an employee takes an inexpensive item from their workplace for their own use, they have committed larceny.

Penalties for Misdemeanor Larceny in Florida

Petty theft is a misdemeanor offense for larceny of goods less than \$300. In Florida, the penalties are broken down into two classifications. Property valued at less than \$100 is a second degree is misdemeanor while property valued at more than \$100 and less than \$300 is a first degree misdemeanor. Punishment is based on the number of prior offenses as seen below:

First Offense Misdemeanor Larceny:

- Up to 60 days in jail
- Maximum fine of \$500 Fine

Second Offense Misdemeanor Larceny:

- No less than one year of imprisonment.
- Maximum fine of \$1,000.

Penalties for Grand Larceny in Florida

Grand Larceny is also broken down into classifications with anything valued between \$300 and \$20,000 considered a 3rd degree grand larceny, anything valued between \$20,000 and \$100,000 is considered 2nd degree grand theft, and anything valued above \$100,000 is considered 1st degree grand theft. First, second and third degree grand larceny charges are felony offenses with the punishment for each as follows:

- **3rd Degree Grand Theft:** up to 5 years in prison and/or a \$5,000 fine.
- **2nd Degree Grand Theft:** Up to 15 years imprisonment and/or a \$10,000 fine.
- **1st Degree Grand Theft:** Up to 30 years imprisonment and/or a \$10,000 fine.

Defending Larceny Charges in Florida

Larceny can be separated into two classes: larceny committed through fraud or larceny from another individual. In either type of case the prosecutor must prove that you deceitfully stole the property, intended to permanently strip the owner of their possession, or were never given permission to take the property.

How is the Value of an Item Determined?

It is up to the judge, jury or prosecutor to determine the value of the stolen property. In most cases, the prosecutor will ask the owner to testify in court on what they feel the property is worth. However, the owner may include sentimental value which is almost always much higher than what the object would be worth on the market. Fortunately, the opinion of the property owner can be challenged by a larceny defense lawyer which is important because the value of the item can be the difference between a felony or misdemeanor.

Florida larceny charges can include all types of property, but the rules to establish the value will be different. Below are a few examples:

- **Property Stolen From a Store:** Value is determined by the retail price
- **Possessions:** Determined by market value at time of theft or by the property owner
- **Items That Depreciate Over Time:** An appraiser will normally provide an accurate value of the property

1. Kelsey started stealing makeup, jewelry, and clothes with her friends. One day she realized she could return those items for money and she didn't even have to have a receipt or tags on it. Kelsey went back to the department store where she stole from to try and return the items for money. The department store realized she was one of the girls that stole the items and had her arrested. Is this an example of larceny? Explain why.

2. What kind of punishment should Kelsey Receive?

3. Carlos works at his local YMCA as camp counselor. Lately his boss hasn't been giving him a lot of hours. Carlos decides not to clock out of work and get paid extra even though he isn't there working. Is this an example of larceny? Explain why.

4. What kind of punishment should Carlos Receive?

FRAUD

Fraud Defined: A false representation of a matter of fact whether by words or by conduct, by false or misleading allegations, or by concealment of what should have been disclosed that deceives and is intended to deceive another so that the individual will act upon it her or his jury.

Fraud offenses were known at common law as larceny by trick. If arrested for Fraud in Florida, you may face misdemeanor charges or felony charges. The most common arrests for fraud offenses include:

- obtaining property by false personation
- making false statements to obtain property or credit
- misleading and false advertisements
- making false reports by officers of banks or other persons of trust
- insurance fraud
- sale of used goods as new
- false report of commission of a crime
- criminal use of personal identification of information, uttering or forgery.

Penalties:

<p>Offenses Credit Card Crime</p>	<ul style="list-style-type: none"> • Theft by taking or retaining possession of card taken. • Theft of credit card lost, mislaid, or delivered by mistake. • Purchase or sale of credit card of another. • Obtaining control of credit card as security for debt. • Dealing in credit cards of another. • Forgery of credit card. • Signing credit card of another. • Unlawful possession of a stolen credit or debit card. • Unauthorized use of an expired credit card • Counterfeiting or altering of credit cards
<p>Crime Classifications</p>	<ul style="list-style-type: none"> • 1st degree misdemeanor for two offenses committed in a six-month period or for an offense during which the value obtained was less than \$100. • 3rd degree felony if the defendant engaged in three or more acts of fraudulent use within a six-month period or if the defendant obtained goods, services, or money valued over \$100.
<p>Sentences and Penalties</p>	<ul style="list-style-type: none"> • 1st degree misdemeanor: Up to 1 year in prison and/or a fine of up to \$1,000. • 3rd degree felony: Up to 5 years in prison and a fine of up to \$5,000. <p>If the prosecutor has charged the defendant with a felony, the state may also consider the defendant's criminal record and previous felony convictions when determining the penalty and sentence.</p>
<p>Forgery Elements</p>	<p>To secure a conviction for forgery, the prosecution must therefore prove that the defendant:</p> <ol style="list-style-type: none"> 1. made, altered, forged or counterfeited 2. a written instrument falsely purporting to be that of another person or entity 3. and appearing to have some legal significance 4. with intent to injure or defraud any person <p>Intent: Requires that the defendant have made or altered the forged instrument with the specific intent to injure, that is, to prejudice or defraud another person. Although the defendant must act with such intent, he or she need not actually injure or defraud another person to complete the crime.</p> <p>Uttering a forged instrument is a separate offense under the statute. A person is guilty of this offense when he or she "utters and publishes as true a false, forged or altered record, deed, instrument or other writing... knowing the same to be false, altered, forged or counterfeited, with intent to injure or defraud any person." The offense applies only to those records and documents, listed above, which are expressly enumerated in the forgery statute.</p>
<p>Penalties and Sentencing</p>	<p>Florida classifies basic forgery as a felony of the third degree. Conviction for uttering a forged instrument, and all other crimes classified as forgery crimes, are also felonies of the third degree.</p> <ul style="list-style-type: none"> • Up to five years in prison. • Up to five years of probation. • Up to \$5,000 in fines.

Scams

Many scams promise you something that is too good to be true. If it sounds too good to be true, then it is probably a scam. If you answer the letter, email, telephone call, or ad, the scammers ask you for a fee, an advance payment, or your bank account information. The scammers take your money and you never get what they promise.

Prizes, they may tell you that you won a big prize, but you have to pay taxes or a fee to get it. If you win a lottery or a prize, you never have to pay taxes or fees on the money you won. You may fill out a ballot for a contest or draw that is a fraud. The information on the ballot will be used to contact you.

Money Deals, the scammers may say you can get a guaranteed loan at a low interest rate, even with no credit history or a poor credit history. They may say they need someone to help with a business deal. They may say they have lots of money that they need to transfer to Canada. They may say you can buy an investment that will make a lot of money with no risk. Jobs The scammers may offer you a job. Part of the job is to put payments

Provide an example of one you might have seen.

IDENTITY THEFT

Identity theft: Using a person's name or personal information without the person's permission for the purpose of stealing money or to get other benefits.

Identity theft means that someone uses your personal information (your name, social security number, credit card number or other similar pieces of information) without your permission. Generally, people who steal your identity use this information to rent an apartment, get a cell phone, get another credit card, or take other actions in YOUR name. Of course, they get to use whatever they have illegally purchased, and you get the bills.

Many thieves use these tactics to get information:

1. **Dumpster Diving.** They simply rummage through your trash looking for bills or other paper with your personal information on it.
2. **Skimming.** They steal credit card or debit card numbers with a special device when processing your card.
3. **Phishing.** They pretend to be banks, the IRS or some other organization and send you an email or a letter (or even make a phone call) asking for personal information.
4. **Changing Your Address.** They complete a change of address card, creating a new address for you so they can receive your billing statements. Once they have the statements, they can access your account.
5. **Stealing.** They steal billfolds, purses, and even mail in your mailbox (bank statements, credit card statements, preapproved credit offers, new checks, or tax information — anything with your personal information). They may also take personnel records or bribe employees, who have access, to give them your information.
6. **Pretexting.** They use false information to get your personal information from financial institutions, telephone companies, and other sources. They pretend to be you to get the information; then they either use it against you or sell it someone else to use.
7. **Hacking.** They may hack into your computer or another computer system, including schools, credit card companies, and other places maintaining personal information.

Match the following terms to the scenarios. Place the letter of the correct term in the blank in front of the scenario.

A. Changing your address

B. Stealing

C. Phishing

D. Dumpster Diving

E. Skimming

F. Hacking

G. Pretexting

___1. John throws all of the copies of his bills and credit card statements in the trash. He receives a call from his credit card company asking him if he has been to Cancun recently and purchased a large amount of diving equipment. John has never traveled outside of the United States. Which term describes how a thief got John's credit card information?

___2. Alexis has not received a bill from her credit card company for three months. She has been charging items to her credit card and has been wondering why she has not been billed. She called the company and was told that the bills had been sent to her and that she is now in jeopardy of losing her card because her account is three months overdue. Which term describes why Alexis did not receive her bill?

___3. Kaden received an email asking him to confirm his credit card information and then he clicked on the link in the email that directed him to a site that asked him to fill in the blanks with his name, social security card number and his credit card number. The site looked like the legitimate organization's site so he complied with the request. Soon after he supplied the information, he received a bill from his credit card company with several purchases he had not made. Which term describes what happened to Kaden?

___4. Jeriah ordered new checks. After several weeks he called his bank to ask why he had not received them. The bank clerk told him that the checks had been mailed a week and a half ago. When he received his bank statement, he finds that someone has been writing checks on his account. What term describes what happened to Jeriah?

___5. Mary's grandmother paid for their lunch with a credit card. The waitperson brought her back the card and she signed the receipt. A month later, several charges appeared on her grandmother's credit card bill that she had not made. What term describes what the waitperson did?

___6. Sara wants a new outfit but does not have the money to buy it. She calls her friend's credit card institution pretending to be the friend and tells the company that she has lost her credit card and needs a new one. What term describes what Sara did?

___7. Kurt is a computer nerd with exceptional skills. He is able to access computers that belong to other people. He obtains Mr. Ling's bank and credit card account numbers and uses them to order items from Amazon.com. What term describes what Kurt is doing?

GRAND THEFT

The crime of Grand Theft is defined in Section 812.014, Florida Statutes. Under the law, Grand Theft occurs where:

1. The defendant knowingly and unlawfully obtained or used or endeavored to obtain or use the property of another,
2. The defendant did so with the intent to temporarily or permanently (a) deprive the victim of his or her right to the property or any benefit from the property, or (b) appropriate the property of the victim to his or her own use or to the use of any person not entitled to it; and
3. The property was valued at \$300 or more.

PENALTIES FOR GRAND THEFT

In Florida, the penalties available for Grand Theft will depend on how the charge is classified. The classification applied to an offense generally depends on the value of the property taken. A higher value and higher degree of theft will generally subject the accused to harsher penalties.

GRAND THEFT AUTO

Grand Theft Auto is the crime of stealing of an automobile or other type of vehicle, such as a motorhome, or a motorcycle. Grand theft auto is a felony, and is punishable by time in prison. The same principles that apply to all theft crimes apply to grand theft auto. To successfully prosecute an individual for grand theft auto, the prosecution must prove that the perpetrator took the vehicle with the intent of depriving the rightful owner of its possession permanently.

GRAND THEFT: THIRD DEGREE

An offense will be charged as Grand Theft in the Third Degree if the property stolen is:

- Valued at \$300 or more, but less than \$5,000;
- Valued at \$5,000 or more, but less than \$10,000;
- Valued at \$10,000 or more, but less than \$20,000;
- A will, codicil, or other testamentary instrument;
- A firearm;
- A motor vehicle;
- Any commercially farmed animal, including any animal of the equine, bovine, or swine class or other grazing animal; a bee colony of a registered beekeeper; and aquaculture species raised at a certified aquaculture facility. If the property stolen is aquaculture species raised at a certified aquaculture facility, then a \$10,000 fine shall be imposed;
- Any fire extinguisher;
- Any amount of citrus fruit consisting of 2,000 or more individual pieces of fruit;

- Taken from a designated construction site identified by the posting of a sign as provided for in s. 810.09(2)(d);
- Any stop sign;
- Anhydrous ammonia;
- Any amount of a controlled substance as defined in s. 893.02.

Penalty: Grand Theft of the Third Degree is classified as a third degree felony, with penalties of up to 5 years in prison or 5 years of probation and a \$5,000 fine.

GRAND THEFT: SECOND DEGREE

An offense will be charged as Grand Theft in the Second Degree if the property stolen is:

- Valued at \$20,000 or more, but less than \$100,000;
- Cargo valued at less than \$50,000 that has entered the stream of interstate or intrastate commerce from the shipper's loading platform to the consignee's receiving dock;
- Emergency medical equipment, valued at \$300 or more, that is taken from a facility licensed under chapter 395 or from an aircraft or vehicle permitted under chapter 401; or
- Law enforcement equipment, valued at \$300 or more, that is taken from an authorized emergency vehicle, as defined in s. 316.003.

Penalty: Grand Theft of the Second Degree is a Second Degree Felony, with penalties up to 15 years in prison or 15 years of probation, and a \$10,000 fine.

GRAND THEFT: FIRST DEGREE

An offense will be charged as Grand Theft in the First Degree if the property stolen is:

- Valued at \$100,000 or more or is a semitrailer that was deployed by a law enforcement officer;
or
- Cargo valued at \$50,000 or more that has entered the stream of interstate or intrastate commerce from the shipper's loading platform to the consignee's receiving dock; or
- If the offender commits any grand theft and: (a) In the course of committing the offense the offender uses a motor vehicle as an instrumentality to assist in committing the offense and thereby damages the real property of another; or (b) In the course of committing the offense the offender causes damage to the real or personal property of another in excess of \$1,000.

Penalty: Grand Theft of the First Degree carries penalties of up to 30 years in prison, with a maximum fine of \$10,000.

REQUIRED INTENT TO STEAL

Grant Theft is a “specific intent” crime, which means that the defendant must not only take property belonging to another person, but must also have done so with the aim of stealing (i.e.depriving the victim of his or her rights to property). *State v. C.G.*, 572 So. 2d 1380, 1381 (Fla. 1991).

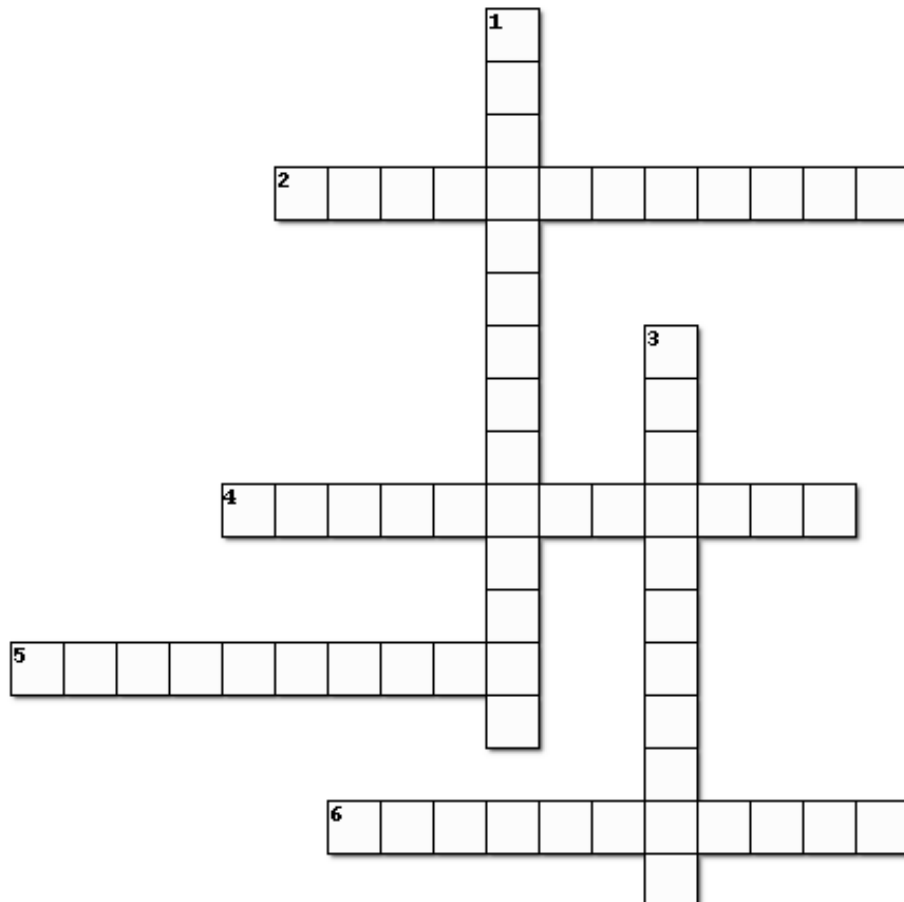
To sustain a conviction, there must be some substantial competent evidence from which the jury may reasonably infer the felonious intent. *Mosher v. State*, 750 So.2d 120 (Fla. 3d DCA 2000); *State v. West*, 262 So.2d 457, 458 (Fla. 4th DCA 1972).

Which degree would grand theft auto be? Explain why?

Grand Theft Crossword

Name: _____

Complete the crossword below



Created with TheTeachersCorner.net [Crossword Puzzle Generator](#)

Across

2. Penalty up to 15 years in prison or 15 years of probation and a \$10,000 fine.
4. the defendant must not only take property belonging to another person, but must also have done so with the aim of stealing
5. is any intentional and unlawful taking of property valued at \$300.00 or more. Grand theft is a felony offense, with penalties
6. Penalty of up to 5 years in prison or 5 years of probation and a \$5,000 fine.

Down

1. crime of stealing of an automobile or other type of vehicle, such as a motor home, or a motorcycle.
3. Penalty of up to 30 years in prison, with a maximum fine of \$10,000.

Dealing with Stolen Property

Under Florida law, it is a criminal offense for a person to traffic in or endeavor to traffic in property that he or she knows or reasonably should know was stolen. Dealing in Stolen Property is a second degree felony, with harsh penalties that include up to 15 years in prison.

DEFINITION OF DEALING IN STOLEN PROPERTY

The definition of Dealing in Stolen Property is contained in Section 812.019, Florida Statutes. Under the law, the offense occurs where a person sells, transfers, distributes, or otherwise disposes of stolen knowing or having reason to know that the property is in fact stolen.

To prove the crime of Dealing in Stolen Property at trial, the prosecution must establish the following two elements beyond a reasonable doubt:

1. The defendant trafficked in or endeavored to traffic in the alleged property;
2. The defendant knew or should have known that the alleged property was in fact stolen.

The term “property” means anything of value, and includes real property (including things growing on, fixed to and found on land), and tangible or intangible personal property, including rights, privileges, interests, claims, and services.

“Stolen property” means property that has been the subject of any criminally wrongful taking, or, if the property has not been stolen, that it was offered for sale to defendant as stolen property.

The terms “Traffic” or “Trafficking” in stolen property means that the defendant sold, transferred, distributed, dispensed, or otherwise disposed of property. It can also mean the buying, selling, receiving, possessing, obtaining control of, or use of property with the intent to sell, transfer, distribute, dispense, or otherwise dispose of that property

PENALTIES FOR DEALING IN STOLEN PROPERTY

Under Florida law, Dealing in Stolen Property is classified as second degree felony, punishable by up to 15 years of imprisonment or 15 years of probation, and a \$10,000 fine.

Dealing in Stolen Property may be upgraded to a first degree felony, punishable by up to 30 years imprisonment, where a person initiates, organizes, plans, finances, directs, manages, or supervises the theft of property, and then traffics in such stolen property

Dealing with Stolen Property Word Search

G E L L E S O T T N E T N I E
R Q U O Y G R D T K D D I S K
Q D Q L D T I E S N E D Q Q R
G Z I I A S R R C K D O X L W
D N F S P V E E C E R O R V V
J F I O T F V I P L I Y X V W
V J S L S R F Y Z O A V Z F K
D E D N L F I S K W R S I Y D
S W A D A E P B L S A P J N O
X R Q R S B S T U N G J J V G
T Z T L U L N B H T E F M N H
P B H Y J S L S H W E L U O X
B A I T N L W E A J Q S O T L
C N G N I S S E S S O P F T I
G J W J O X U F P G W L F Q S

buying
disposes
distributes
intent to sell
possessing
property
receiving

selling
sells
stolen
trafficked
transfers
value

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