

Criminal Law - Problem Questions

clothes, Annie would use force to retrieve the clothes. Annie formed her hands into fists and looked ready to strike Katie.

Katie freaked out and hit Annie twice in the stomach and then jumped in the car and drove off. Katie then threw the clothes in a charity bin.

Emily later said that the clothes were too uncomfortable to wear and that she was planning on taking them back anyway.

Discuss Katie's, Annie's and Emily's criminal liability

Katie

Katie can be charged with Larceny (s117) and Assault (s61)

Larceny

Actus Reus

- Took and carried away
 - Asportation must be fulfilled: *Lapier* (1784)

This element is satisfied as Katie took the property and carried away the boxes.

- Property that belonged to another
 - Possession
 - For the purposes of larceny, a person has possession of property if:
 - a) The person intends to possess the property; and
 - b) The person had some degree of physical contact over the property at one stage
 - A person can have constructive possession when they do not have physical custody: *Ellis v Lawson* (1987)
It can be stated that although the property was handed over to Katie and the owner (Groovy Clothing Inc) no longer had direct, physical possession, it can be argued that they still exercised constructive possession.
 - Property can be stolen from an owner who is not in possession or control of the property: *Flood* (1869)
- Property capable of being stolen

Criminal Law Sample Answers

Mischa Allen



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