

## L&O's to watch

### Self Defense

Season 3 , Episode 7

A Greek jeweler store owner kills two robbers and claims self-defense, but his true motives are quickly revealed.

### Insanity

Season 6, Episode 21

A schizophrenic attorney who refuses to take medication defends himself against multiple charges of murder.

# Criminal Law - Chapter 3



Which of the following actions should be considered a crime? Why, why not?

1. Harold, age 17, robs a liquor store at gunpoint.
2. Lori leaves a store with change for a \$20 bill knowing she gave the cashier a \$10 bill.
3. Vince observes someone shoplifting but does not turn him in.
4. Ken pays a prostitute after receiving her services.
5. Tom purchases \$1000 in marijuana for "personal use".
6. Patty purchases \$20 in crystal methamphetamine.
7. Ed refuses to pay income tax because he does not support government policies.
8. Bob refuses to wear a helmet while riding his motorcycle.

As a class, where do we agree?

## DO NOW:

1. Ben is one of a number of students who decide to break into the high school and spray paint the lockers. Ben is caught.

2. Blame the intent of the prosecution is the prosecution.

3. Sidney Gatwick, a nurse at a local doctors office, was driving home from vacation when she observed a car accident in her lane. She, having driven for hours, and just wanting to get home chose not to get involved and drove on.

The accident victim passed away.

Gatwick argues that her refusal to not administer emergency care is not an act in the criminal sense of the term; therefore, she cannot be guilty of any crime. Is Gatwick correct? Explain your answer.



Dixon was upset that his sister, Pam, was dating Bobby, who had a history of “breaking hearts”.

One afternoon, Dixon went to the auto parts store where Bobby worked and demanded that Bobby stop seeing his sister... Dixon threatened to beat Bobby up if he did not stop seeing her.

In response, Bobby grabbed Dixon in a head lock and forced him out of the store into the parking lot, telling Bobby, “If I see you again, I am going to kill you!”. Then Bobby let go of Dixon, threw him to the ground, spat on him, and turned his back and started to walk back into the store.

Dixon then reached for a brick on the ground, said “your not killing ME”, and hit Bobby over the head, knocking him unconscious.

**Discuss the common law crimes Dixon may face?**

**Based on Bobby’s threat, does Dixon have a strong Self Defense argument?**



Don has owned *Don's Market* in the central city for twelve years. He has been robbed AND burglarized ten times in the past year. The police have never arrested anyone.

At a neighborhood crime prevention meeting, a police officer told Don of the state's new "shoot the burglar" law. That law reads: Any citizen may defend his or her place of residence against intrusion by a burglar, or other felon, by the use of deadly force.

Don moved a cot and a microwave into the back of *Don's Market* and began sleeping there, with a shotgun at the ready. One night Don heard noises and when he went to the door, he saw two men running away and realized they were breaking the door, stealing, and getting away.

With this in mind, he changed tactics: he would leave the door unlocked, load the shotgun and fasten it to the counter, facing the front door, and attach a string to the trigger so that the gun would fire when the door was opened.

That same night a police officer, making his neighborhood rounds, tried the door of the Market, found it open, poked his head in, and was severely wounded by the blast.

**What could Don be charged with?**

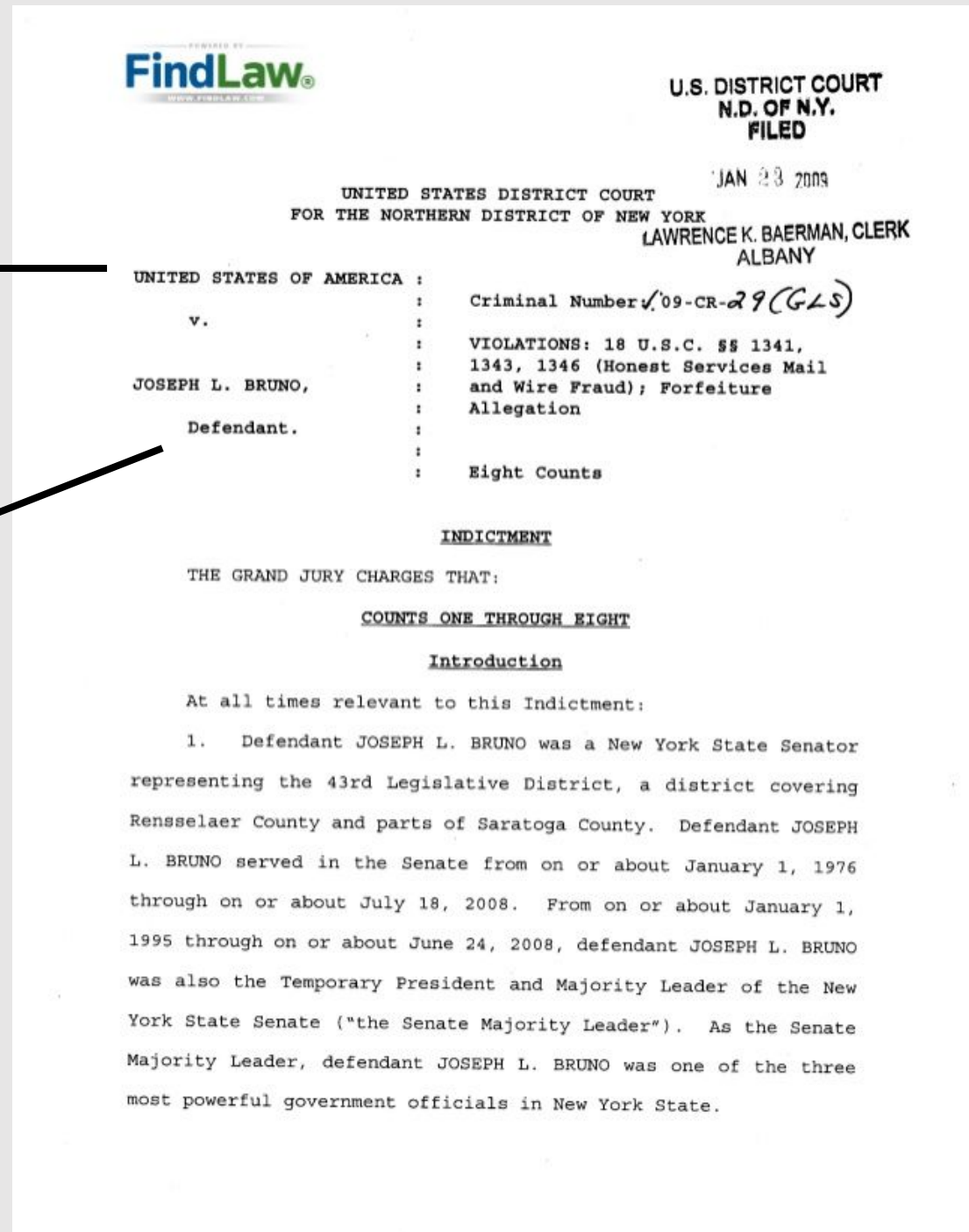
**What are Don's potential defenses?**



**A Crime** is an act against the public good. It is punishable by a fine , imprisonment, or both.

**Prosecutor**

**Defendant (the accused)**



## *Classifications of Crimes*

1. Felonies: a major crime punishable by imprisonment, or death (Imprisonment is usually for one year or more).
2. Misdemeanors: a less serious crime with a less severe penalty (a fine or imprisonment in a county or city jail).

<http://criminaljustice.state.ny.us/crimnet/ojsa/stats.htm>

# 2022 CRIME CLOCK STATISTICS

**A Violent Crime occurred every 25.6 seconds**  
 One Murder every 24.8 minutes  
 One Rape every 3.9 minutes  
 One Robbery every 2.4 minutes  
 One Aggravated Assault every 35.3 seconds  
  
**A Property Crime occurred every 4.8 seconds**  
 One Burglary every 35.1 seconds  
 One Larceny-theft every 6.7 seconds  
 One Motor Vehicle Theft every 33.5 seconds



Source: FBI.gov

## CRIME CLOCKS 1960

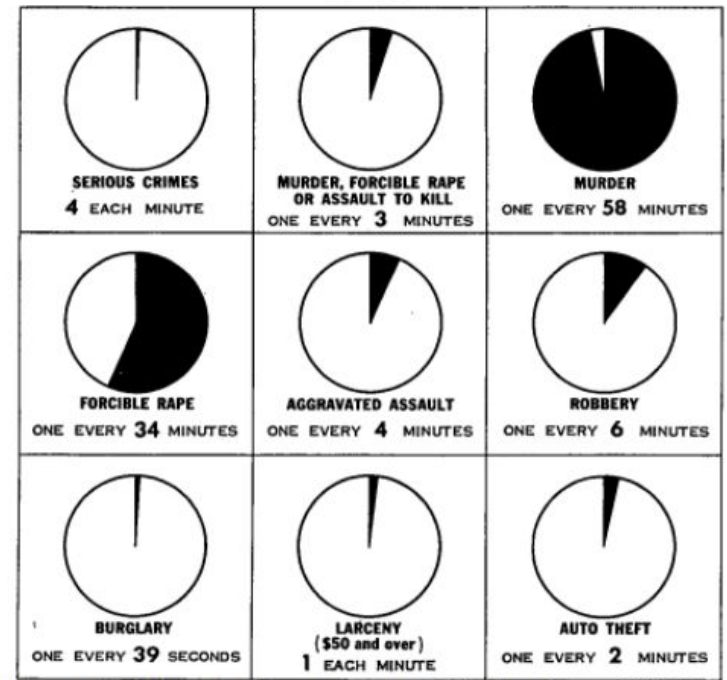


Figure 1. Crime Clocks 1960 (Federal Bureau of Investigation 1960)



# Crime in our Area

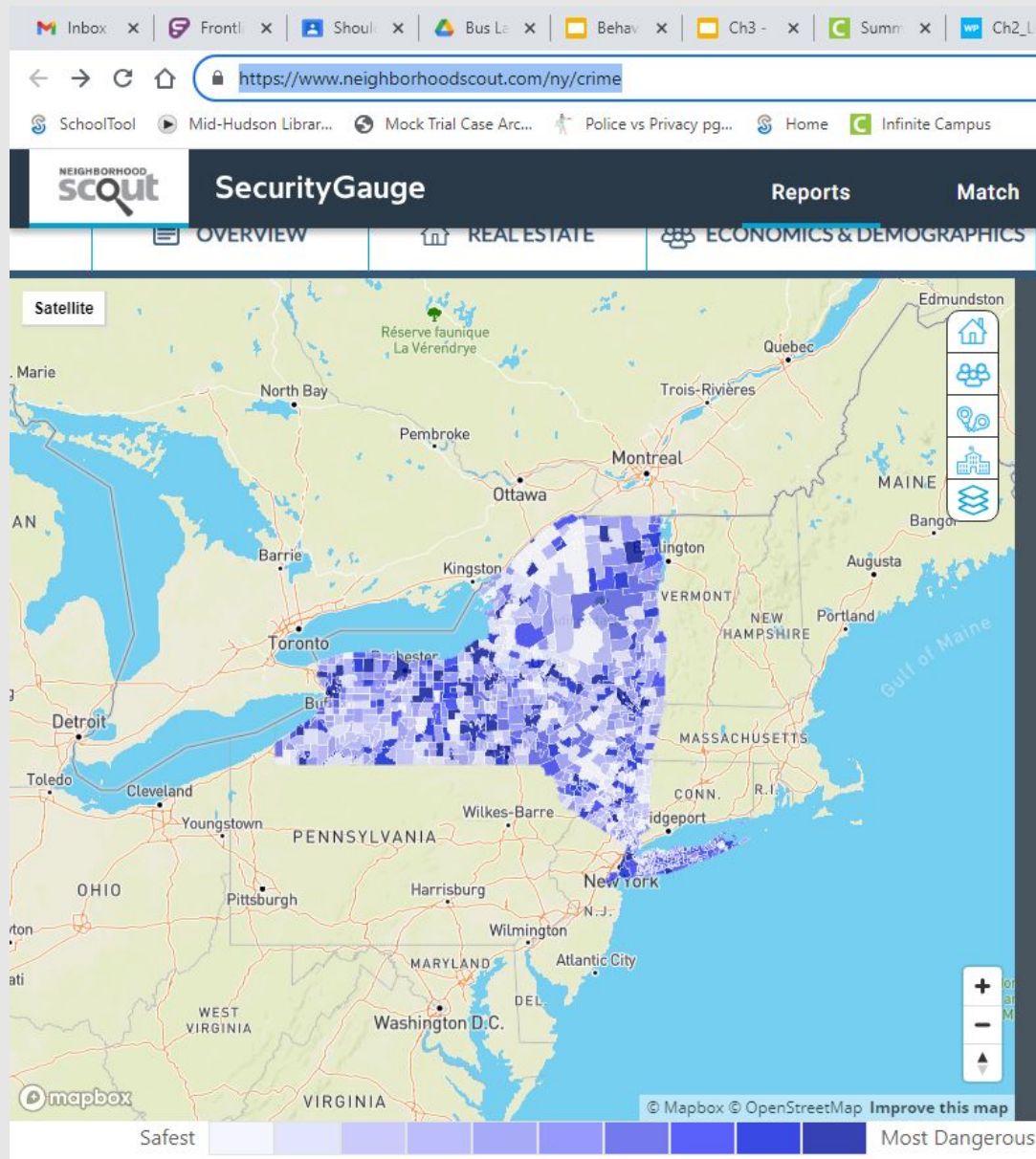
ADULT ARRESTS 18 AND OLDER: 2013 - 2022											
		Arrest Year									
		2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Dutchess	Total Arrests	5,101	4,950	4,684	4,887	5,055	4,375	4,269	3,309	3,305	3,272
	Felony Total	1,444	1,448	1,411	1,477	1,479	1,292	1,200	966	1,040	1,004
	Drug	192	201	182	232	258	219	215	135	158	137
	Violent	322	267	287	237	248	227	211	198	217	218
	Dwi	155	173	160	181	133	126	154	96	120	111
	Other	775	807	782	827	840	720	620	537	545	538
	Misdemeanor Total	3,657	3,502	3,273	3,410	3,576	3,083	3,069	2,343	2,265	2,268
	Drug	469	554	450	552	686	610	596	222	196	133
	Dwi	915	939	913	948	1,002	864	900	642	672	652
	Property	1,066	966	939	929	879	669	698	771	672	688
Other	1,207	1,043	971	981	1,009	940	875	708	725	795	

Source: DCJS, Computerized Criminal History File (as of 4/21/2023).

Under 18 Juvenile Arrests/Criminal Activity: 2018-2022												
Uniform Crime Reporting Program (as of 5/1/2023)												
County	Agency	Year	Total	Index Total	Murder	Rape	Robber y	Agg. Assault	Burglary	Larceny	MV Theft	Non-Index Total
Dutchess	East Fishkill Town PD	2022	7	0	0	0	0	0	0	0	0	7
Dutchess	Fishkill Town PD	2022	0	0	0	0	0	0	0	0	0	0
Dutchess	Poughkeepsie City PD	2022	26	2	0	0	0	2	0	0	0	24
Dutchess	Poughkeepsie Town PD	2022	19	10	0	1	2	3	4	0	0	9
Dutchess	County Total	2022	109	35	0	2	5	14	7	6	1	74

# NY Crime: Interactive map

<https://www.neighborhoodscout.com/ny/crime>



# Elements of a Crime

## Criminal Act

- o Statutes must specifically explain the conduct that is forbidden.

- o Act must involve voluntary conduct.

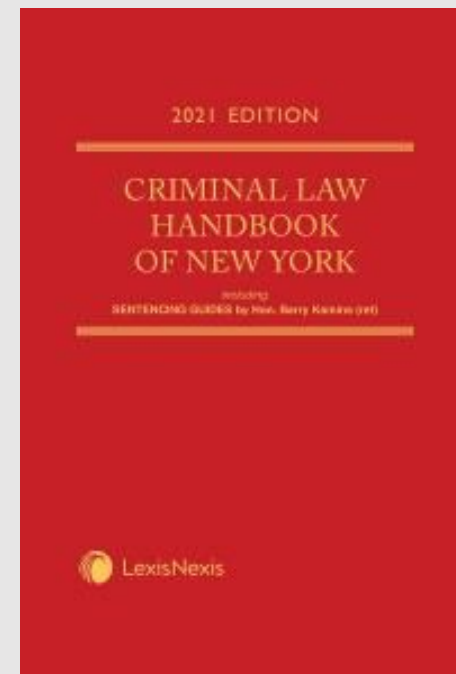
Backing over your teacher in the parking lot, if purely an accident, is not a crime

## Required State of Mind

- o Statutes must specify what state of mind defines the crime.

- o Intent vs. negligence may lead to charges of a different crime.

Doing donuts in the parking lot and running over your teacher may be INVOLUNTARY manslaughter



Reality vs. television:

Motive - actually plays NO part in proving criminal liability.

**But it does make the show/movie more interesting!!**





## Defenses to Crimes

*The accused will NOT be found guilty of a crime if they can prove*

"They did not actually commit the crime!"

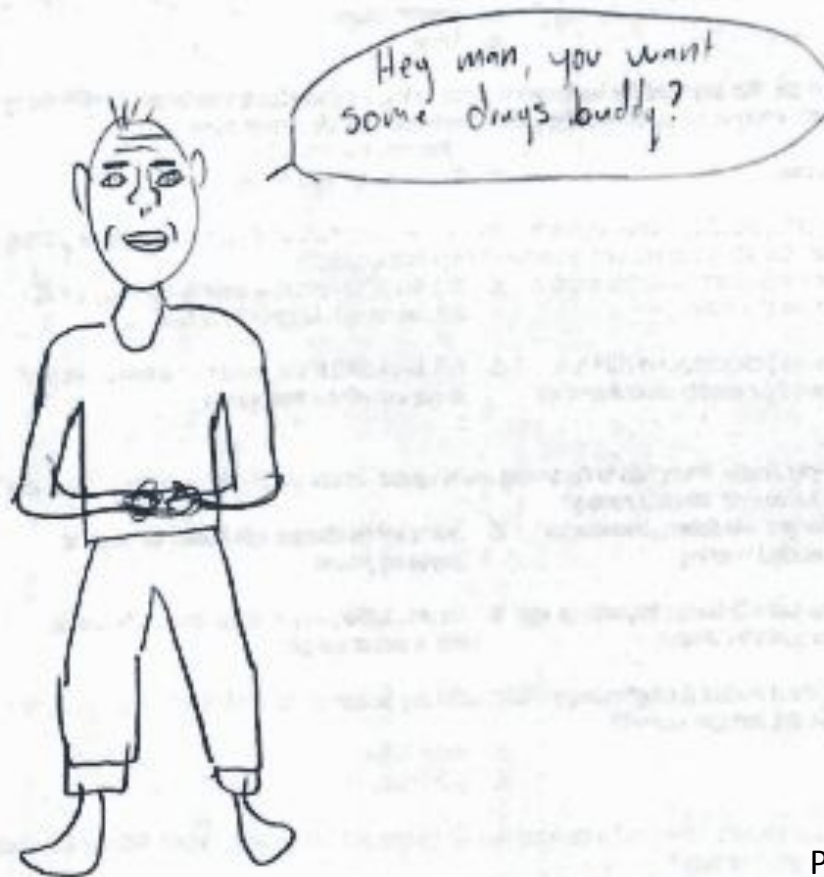


### Defenses to Crimes

1. Entrapment
2. Insanity
3. Self-defense / defese of family members

You buy crack cocaine from Mr. Wehmann, a police officer dressed as a dealer. Is this Entrapment?

You buy crack cocaine from Mr Wehmann, a police office dressed as a dealer. Is this entrapment?



Philip Shin 2022

- Phillip Shin 2022

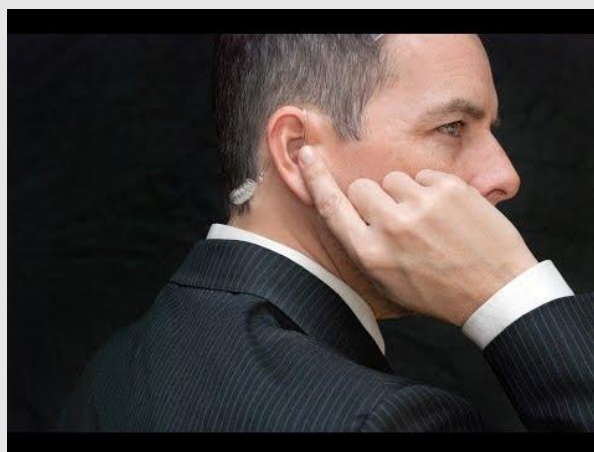
*The accused will NOT be found guilty of a crime if they were ENTRAPPED!*

# Entrapment Defense

A law enforcement officer induces a law-abiding citizen to commit a crime that would not have been committed otherwise.



LV Sting drugs



Entrapment Law explained



Bait Bike



Bait packages

Entrapment is commonly claimed by those in "buy and bust" sting operations by police.

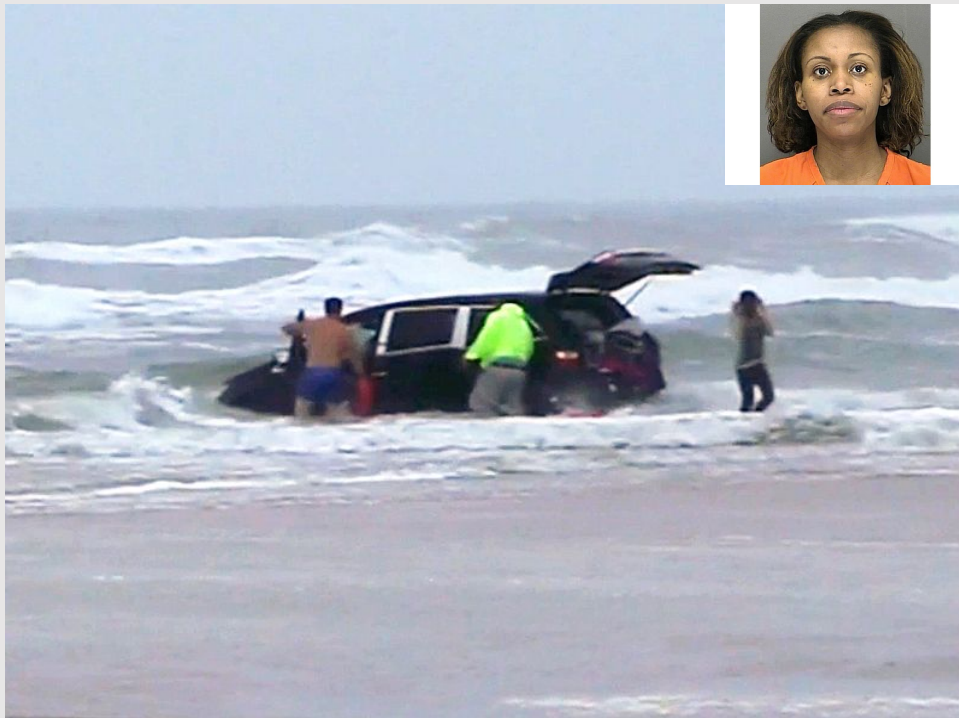


Albert Fentress

***Who is this man?***

- a. A crime victim
- b. A prosecutor
- c. A defense attorney
- d. A retired math teacher
- e. None of the above

# Kids Screamed as Mom Drove Van into Ocean, Rescuers Say



## Attempted Murder Charges Dropped Against Mom Who Drove Her Kids Into Ocean

Attempted murder charges were dropped by Florida prosecutors Tuesday against Ebony Wilkerson...

The prosecution and defense agreed that 32-year-old Wilkerson was temporarily insane at the time of the incident, in which she drove her kids – who were 3, 9 and 10 at the time – into the ocean in Daytona Beach. The windows were rolled up and the doors were locked, and one of the children tried to wrestle the steering wheel away from Wilkerson, Volusia County Sheriff Ben Johnson said in March.

"She told them to close their eyes and go to sleep. She was trying to take them to a better place," Johnson stated at the time.

### Ebony Wilkerson, mom who drove van with kids into ocean off Daytona, allowed to go home



The Volvo XC90 is impressive

Luxury Auto OPEN



UPCOMING EVENTS



BUY PHOTO

HIDE CAPTION

Lutful Ronjon and Ebony Wilkerson with their children (Left to right) Essence Ronjon, 15, Loniath Ronjon, 5, Emani Ronjon, 8, Latham

Type here to search

SPECIAL-SECTIONS

### Mom who drove van into ocean freed

5 years of confinement ends for mentally ill mother of 4

Frank Fernandez frank.fernandez@news-jrnl.com

Published 9:29 a.m. ET Sept. 20, 2019 | Updated 3:06 p.m. ET Sept. 20, 2019

View Comments

DAYTONA BEACH — Five years after she drove her minivan with her kids inside into the rough surf off Daytona Beach, Ebony Wilkerson has been allowed to return home to her family in South Carolina.

Circuit Judge Raul Zambrano allowed Wilkerson on Thursday to leave Daytona Beach and the state on conditional release, which includes continuing to take medication and seeing mental health providers.



## Why Abby Michaels was found not guilty in her wrong-way crash murder trial



< Caption

Credit: JIM NOELKER

CRIME & LAW



A Montgomery County judge ruled last week that evidence did not point to a Fairborn woman knowingly and recklessly killing members of a Mason family in a 2019 wrong-way crash.

Abby Michaels, 25, was found not guilty on six counts of murder and three counts of aggravated vehicular homicide in connection to the March 2019 crash that killed Karen and Timmy Thompson, as well as their 10-year-old daughter Tessa. Montgomery County Judge Steve Dankof presided over her four-day bench trial last week. Bench trials are when a judge decides the facts of the case and reaches a verdict.

Michaels was released from Montgomery County Jail on Friday afternoon.

Dankof wrote in his verdict that expert testimony from Michaels' treating psychiatrist, Dr. Christina Waite, showed Michaels' medical conditions like psychogenic seizures dating from 2010 onward.

"... (B)ased upon Michaels' documented medical history, she was mentally ill at the time of the accident with borderline personality disorder, post-traumatic stress disorder, psychogenic non-epileptic seizure disorder and bi-polar disorder, all of which were untreated, such that Michaels likely was not 'knowingly' and 'recklessly' operating the car," Dankof wrote in his verdict.







You are asleep in bed. You wake to see this man, in your home, 6 feet from the edge of your bed...



What would you do?

- A. Fight?
- B. Flight?
- C. Freeze?
- D. Other?

What does the law allow you to do?



**MAKE MY DAY**  
**PISTOL PACKING MAMA**  
KILLS INTRUDER AFTER CALLING 911



**DISPATCHER:**  
**ARE YOUR DOORS LOCKED?**

Teen Mom Kills Intruder Breaking Into Her Home While on Phone With 911

161,512 / 2,196



Homeowner Shoots at 3 Masked Gunmen Trying to Kick in Door - 2min

# The case of: Susan Lorincz



The case in trial: 2min



The verdict: 2min

# Pharmacist Who Shot Man Robbing Store Charged With Murder

Published May 28, 2009 / Associated Press

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OKLAHOMA CITY – An Oklahoma City pharmacist who shot and killed a 16-year-old would-be robber was charged Wednesday with first-degree murder.

Jerome Ersland, 57, was being held without bail in the Oklahoma County Jail.

Oklahoma County District Attorney David Prater said in an afternoon news conference that Ersland was justified in shooting Antwun Parker once in the head on May 19. But Prater said Ersland went too far when he shot Parker five more times in the abdomen while Parker lay unconscious on the floor.

Ersland's attorney, Iven Box, said Ersland was protecting himself and two women inside the pharmacy.

"I think he did something in his eyes that protected both himself and two ladies in there," Box said. "He put an end to the threat."

Box said he thinks a jury will exonerate Ersland.



Security video shot.

Should he be found guilty of murder?  
or not guilty by self defense?

## Oklahoma City former pharmacist who shot teen robber to death loses first appeal

By NOLAN CLAY NewsOK.com on Jun 21, 2013, at 2:27 AM Updated on 6/21/13 at 4:45 AM

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LEGAL

Federal appeals court to hear oral arguments in Tulsa police officer's religious

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event in 2011.

Tulsa's trial i

rape, murder o

84-year-old

OKLAHOMA CITY - Former pharmacist Jerome Jay Ersland lost his first appeal of his murder conviction Thursday, when the Oklahoma Court of Criminal Appeals unanimously rejected all of his complaints.





## Self Defense? Or not?

Mr Wehmann is envious of Anthony because of how blingy he is. When shaking his hand as he enters Business Law, Wehmann tries to steal his watch and Anthony punches him in the face. Who can be charged and what can they be charged with?



# Self-Defense

When persons have good reason to believe that they are in danger of imminent serious injury or death.

- Also applies to defense of others.
- May only use reasonable force.
- Must first attempt to retreat

Castle Laws - You may protect yourself

- Not like in the movie "Home Alone"
- Call the police

*The accused will NOT be found guilty of a crime if they can show SELF DEFENSE!*



Is this "Reasonable Force"?



2 min



# THE 5 ELEMENTS OF SELF-DEFENSE LAW

Every claim of self-defense is based on (up to) 5 legal elements. If a prosecutor disproves any one required element, your entire self-defense justification collapses.

## Innocence

### Don't start the fight

A person who is the initial physical aggressor in a confrontation is not the innocent party and cannot justify their use of force as self-defense.

## Imminence

### Attack in progress

The threat being defended against must be actually occurring or immediately about to occur. An already completed threat or a speculative future threat does not justify the defensive use of force.

## Avoidance

### Run if you can

Some states impose a legal duty to retreat, when safely possible, before you may use deadly force in self-defense. In all states retreat is the smart choice if safely possible.

## Proportionality

### Right tool, right job

Deadly defensive force may be used only to counter a deadly force threat. If the threat is non-deadly, only non-deadly defensive force may be used.

## Reasonableness

### Good decisions, under the circumstances

You don't have to make perfect decisions in self-defense, but you do have to make reasonable decisions. Mistakes, if any, must be reasonable mistakes.





# YouTube Pranker Shot: In self defense?

Did the court make the correct decision?





§ 35.15 Justification; use of physical force in defense of a person.

1. A person may, subject to the provisions of subdivision two, use physical force upon another person when and to the extent he or she reasonably believes such to be necessary to defend himself, herself or a third person from what he or she reasonably believes to be the use or imminent use of unlawful physical force by such other person, unless:

(a) The latter's conduct was provoked by the actor with intent to cause physical injury to another person; or

(b) The actor was the initial aggressor; except that in such case the use of physical force is nevertheless justifiable if the actor has withdrawn from the encounter and effectively communicated such withdrawal to such other person but the latter persists in continuing the incident by the use or threatened imminent use of unlawful physical force; or

(c) The physical force involved is the product of a combat by agreement not specifically authorized by law.

2. A person may not use deadly physical force upon another person under circumstances specified in subdivision one unless:

(a) The actor reasonably believes that such other person is using or about to use deadly physical force. Even in such case, however, the actor may not use deadly physical force if he or she knows that with complete personal safety, to oneself and others he or she may avoid the necessity of so doing by retreating; except that the actor is under no duty to retreat if he or she is:

(i) in his or her dwelling and not the initial aggressor; or

(ii) a police officer or peace officer or a person assisting a police officer or a peace officer at the latter's direction, acting pursuant to section 35.30; or

(b) He or she reasonably believes that such other person is committing or attempting to commit a kidnapping, forcible rape, forcible criminal sexual act or robbery; or

(c) He or she reasonably believes that such other person is committing or attempting to commit a burglary, and the circumstances are such that the use of deadly physical force is authorized by subdivision three of

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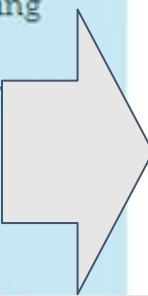
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- Indiana
- Massachusetts
- Michigan
- Nevada
- New Jersey
- New York
- North Carolina
- Oregon
- Pennsylvania
- Texas
- Virginia
- Washington

## US Code

- 1 USC - General Provisions
- 2 USC - The Congress
- 3 USC - The President
- 4 USC - Flag and Seal
- 5 USC - Gov't Organization
- 6 USC - Domestic Security
- 7 USC - Agriculture
- 8 USC - Aliens and Nationality
- 9 USC - Arbitration
- 10 USC - Armed Forces
- 11 USC - Bankruptcy
- 12 USC - Banks and Banking
- 13 USC - Census
- 14 USC - Coast Guard
- 15 USC - Commerce and T
- 16 USC - Conservation
- 17 USC - Copyrights
- 18 USC - Crimes
- 19 USC - Customs Duties
- 20 USC - Education
- 21 USC - Food and Drugs



§ 35.20 Justification; use of physical force in defense of premises and in defense of a person in the course of burglary.

1. Any person may use physical force upon another person when he or she reasonably believes such to be necessary to prevent or terminate what he or she reasonably believes to be the commission or attempted commission by such other person of a crime involving damage to premises. Such person may use any degree of physical force, other than deadly physical force, which he or she reasonably believes to be necessary for such purpose, and may use deadly physical force if he or she reasonably believes such to be necessary to prevent or terminate the commission or attempted commission of arson.

2. A person in possession or control of any premises, or a person licensed or privileged to be thereon or therein, may use physical force upon another person when he or she reasonably believes such to be necessary to prevent or terminate what he or she reasonably believes to be the commission or attempted commission by such other person of a criminal trespass upon such premises. Such person may use any degree of physical force, other than deadly physical force, which he or she reasonably believes to be necessary for such purpose, and may use deadly physical force in order to prevent or terminate the commission or attempted commission of arson, as prescribed in subdivision one, or in the course of a burglary or attempted burglary, as prescribed in subdivision three.

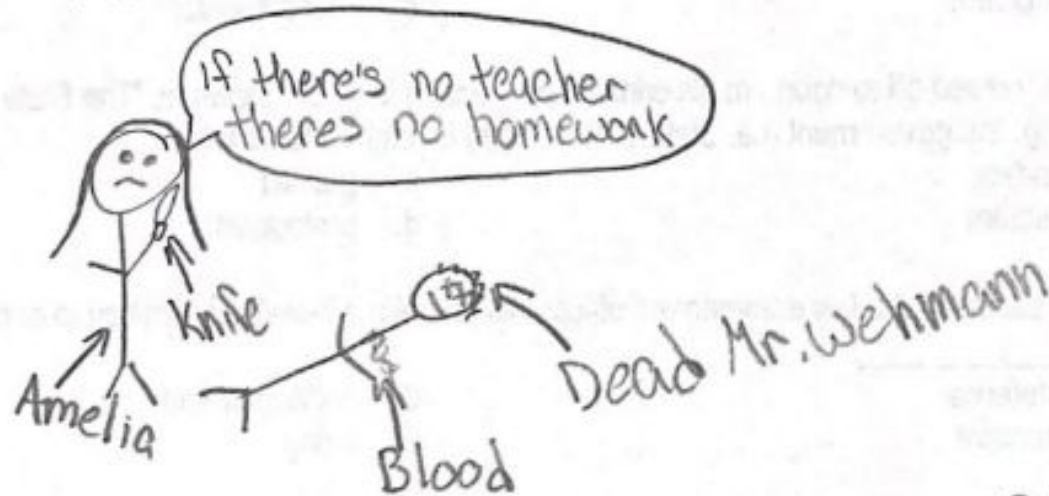
3. A person in possession or control of, or licensed or privileged to be in, a dwelling or an occupied building, who reasonably believes that another person is committing or attempting to commit a burglary of such dwelling or building, may use deadly physical force upon such other person when he or she reasonably believes such to be necessary to prevent or terminate the commission or attempted commission of such burglary.

4. As used in this section, the following terms have the following

# Crimes Against People

**Note: All laws are slightly different in each state.**

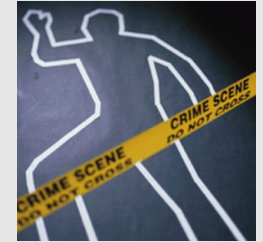
Amelia is mad Mr. Wehmann gave her homework.  
The next day in class Mr. Wehmann  
is found dead with Amelia standing  
over him.



Is it murder or manslaughter?



**Murder:** the unlawful killing of another human being *with* malice aforethought (prior intent).



- Could involve one or more of the following:
- (1) premeditation;
  - (2) cruelty;
  - (3) killing of enforcement officer;
  - (4) killing someone while committing a felony.

### NY police accidentally shoot shop worker to death

6:33 PM, Sep. 7, 2012 | Comments

Written by Tom Hays, Associated Press

FILED UNDER: Local News, New York

NEW YORK (AP) — A police officer shot and killed a bodega worker who plowed into him on a sidewalk while frantically fleeing an armed robbery early Friday, a sudden encounter that the police department called a tragic accident.

Three men taken into custody at the bodega after the shooting were charged with murder, robbery and weapons possession, prosecutors said.

Dramatic security video released by police shows the uniformed officer, his gun drawn, positioned outside the Bronx shop's front door moments after a 911 call. In a flash, the store manager rushes out the door. Closely behind with his head down is Renaldo Cuevas, who runs full speed into the officer, sending both men tumbling to the sidewalk.

A pool of blood appears to form on the ground the instant Cuevas lands on his back. The officer is kneeling and pointing his semiautomatic at Cuevas when the video clip ends.

Investigators believe the impact of Cuevas running into the officer caused him to fire one round, striking the 20-year-old victim in the left shoulder, police Commissioner Raymond Kelly said at a news conference. Cuevas died later at a hospital.

### Florida Man Says He Killed Sick Wife Because He Couldn't Afford Her Medicine, Sheriff Says

By CHRISTINE HAUSER, MAY 19, 2015

William Hager told the authorities that he had killed his wife, Carolyn Hager, right, in her sleep, according to the sheriff's department in Port St. Lucie, Fla. (St. Lucie County Sheriff)

9 years

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Vid- footage of Bodega robbery

# Sample Question from the NYS Bar Exam!

Are YOU ready to be a lawyer???

## **CRIMINAL LAW & PROCEDURE**

Two brothers were fleeing from the scene of a bank robbery they committed, when one of the brothers accidentally killed the other. May the surviving brother be convicted of felony murder?

- a) No, because the brother who was killed was a participant in the robbery...
- b) No, because the robbery was completed before the brother's death.
- c) No, because the killing was accidental.
- d) Yes, because the death occurred during flight from the commission of a statutorily specified felony.

# Attempted Murder by a Pilot?!

## Off-duty Alaska Airlines pilot charged with attempted murder after trying to shut down plane engines midflight

Flight 2059 from Everett, Washington, was bound for San Francisco when it was diverted to Portland, Oregon. Joseph David Emerson was booked on 83 counts of attempted murder.

◀ TAP TO UNMUTE

Pilot in jail on 83 counts of attempted murder after allegedly trying to shut down plane engine

01:54

Live ATC

> We've got the guy that tried to shut the engines down out of the cockpit... We want law enforcement as soon as we get on the ground and par

**BREAKING NEWS** PILOT FACES 83 COUNTS OF ATTEMPTED MURDER

NBC NIGHTLY NEWS

## Attempted Murder?

Did the man...

- try to unlawfully kill 83 people?
- did he have malicious intent?
- did he have aforethought?

Off-duty Alaska Airlines pilot Joseph David Emerson pleads not guilty in attempted mid-flight sabotage

The suspect claimed he took psilocybin mushrooms, two days before the flight.

# What do you anticipate his defense to the charges will be?

## Off-duty Alaska Airlines pilot Joseph David Emerson pleads not guilty in attempted mid-flight sabotage

The suspect claimed he took psilocybin mushrooms, two days before the flight.

Emerson of Pleasant Hill, California, was initially arrested on 83 counts of attempted murder based on the number of people aboard the plane, but a Multnomah County grand jury that heard evidence in the case [indicted him on lesser charges](#), prosecutors announced on Tuesday.

Emerson was seated in a flight deck jumpseat in the cockpit of the 737 jet, hitching a ride to San Francisco, when he allegedly tried to shut down the engines by attempting to pull the fire extinguisher handles on the engines, according to a criminal complaint filed in the case. He was allegedly overheard saying, "I'm not okay," before attempting to sabotage the flight, according to the complaint. ←

The two pilots flying the plane stopped Emerson before he could fully activate the engine fire extinguishers, grabbing his wrists and wrestling with him in the cockpit for 25 to 30 seconds before subduing him, the complaint alleges.

Emerson's attorneys [previously said](#) he "suffered a panic attack" while on the flight and was in a dream-like state during the incident. They also said he had taken "a small amount of psilocybin," which is found in mushrooms, two days prior to the flight. ←

The pilot told investigators he had not slept for 40 hours prior to the incident and believed he was having a "nervous breakdown," according to the criminal complaint. ←



**Manslaughter:** the unlawful killing of another human being *without* malice aforethought. (Often as the result of trying to injure someone.)

**Class B Felony: 5-25 years**

**Voluntary** - when one person intends, at that time, to kill another but does so suddenly and as a result of great personal distress.

**Louisville man pleads guilty to manslaughter in fatal shooting of 3 year old**

The Louisville man indicted in the fatal 2011 shooting of a 3-year-old girl pleaded guilty to manslaughter and was sentenced to 20 years in prison Thursday morning.

Roderick Moss, 22, was indicted in May 2011 on one count of murder and five counts of first-degree murder in a shooting. He was accused of firing a gun through the windows of a first-floor apartment on South Eighth Street.

One of the victims, 11-year-old Devon Powell, who died three days later at Kessler Children's Hospital.

**Carpinteria man sentenced to 27 years in prison, found guilty of manslaughter in fight that led to man's death**

A man from Carpinteria was sentenced to 27 years in prison after being found guilty of manslaughter in a fight that led to the death of another man.

**Class C Felony: 3 1/2 - 15 years**

**Involuntary** - when one person, while committing an unlawful or reckless act, kills another.

**Sucker punch results in involuntary manslaughter charge**

A 37-year-old man has been charged with involuntary manslaughter after another man was sucker punched at a Farmington Hills mobile home park and later died.

Farmington Hills police said Wednesday that Dante Nederveer was arraigned Tuesday in the death of Matthew Wegyn.

Police said officers responding to an Aug. 9 fight at the Farmington Mobile Home Park were speaking with Wegyn when another man "suddenly appeared from behind a car" and punched him in the face. Wegyn, 52, fell and struck his head on the pavement. He was hospitalized and died nearly a month later from his injuries.

**Kenmore man pleads guilty to manslaughter for driving drunk, causing deadly crash in South Buffalo**

A man from Buffalo pleaded guilty to manslaughter after causing a deadly crash in South Buffalo while driving drunk.

**Soldier charged with manslaughter after trying to cure another of hiccups**

A soldier trying to scare another soldier out of hiccups shot his comrade in the face, killing him, authorities said Tuesday.

Both soldiers, joined by a third man, were drinking alcohol and watching football at the time of the Sunday night incident, authorities said.

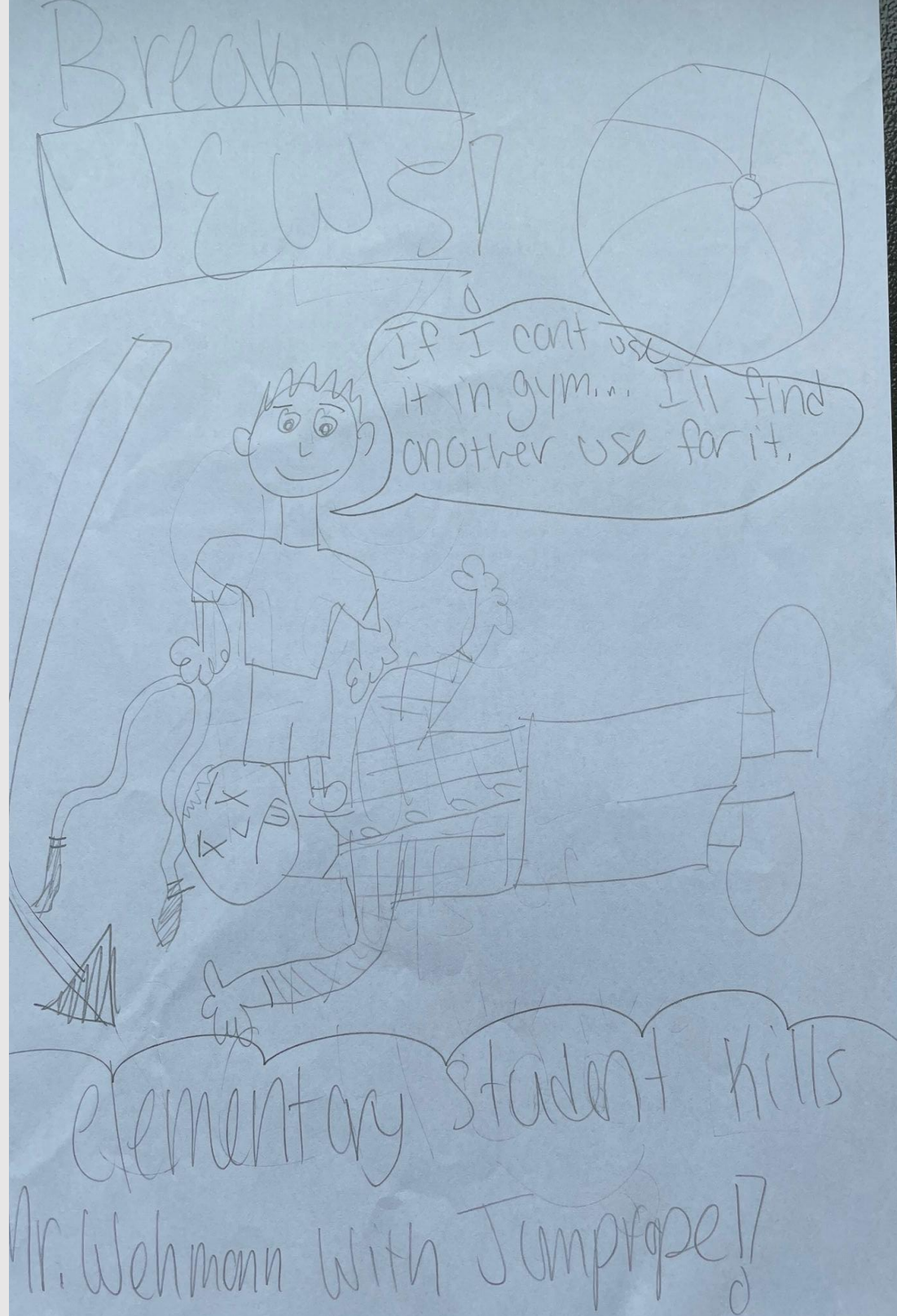
"The victim had the hiccups. The suspect pulled out a gun to scare him in order to stop the hiccups," said spokesman Carroll Smith of the Killeen, Texas, Police Department.

Pfc. Patrick Edward Myers, 27, was charged on Tuesday with manslaughter, and Justice of the Peace Garland Polvin set his bond at \$1 million, police said.

**Hale gets 6 years or more in fatal crash case**

A man from Buffalo was sentenced to 6 years or more in prison after being found guilty of manslaughter in a fatal crash.

# Murder or Manslaughter?

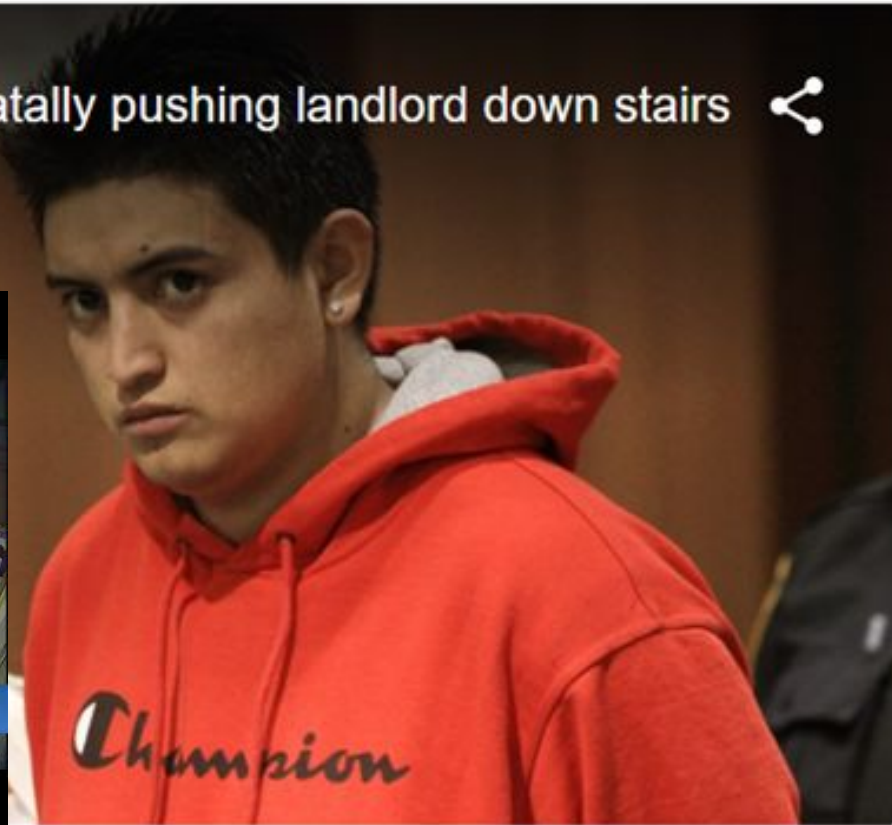




# "Accident" or

## NYC tenant accused of fatally pushing landlord down stairs over rent dispute

Tenant accused of fatally pushing landlord down stairs over rent dispute



Tenant accused of fatally pushing landlord down stairs over rent dispute  
<https://www.youtube.com/watch?v=5xmTOTs7R7I&pp=ygUWdGVuYW50IGxhbmRsb3JkIHNOYWlycw%3D%3D>

<https://statelaws.findlaw.com/new-york-law/new-york-involuntary-manslaughter-laws.html>

Garces was indicted in February 2020 and pleaded not guilty before admitting to the deadly shove in May — taking a three-year prison sentence plea deal on one count of second-degree assault.

# "Accident" or "Manslaughter"?

## Corinth man charged with manslaughter in the shooting death of his wife

### b) A man fatally shot his wife while he worked on his handgun, police say

By Alex Horton

November 19, 2018 at 11:28 a.m. EST



Grief had been a frequent visitor to the home of Ashley and Eric Rosenbrock, years before a gunshot roared in their snowpacked Upstate New York home.

Their 1-year-old daughter Vivienne died of sepsis pneumonia, and in an instant, their daughter Madie lost her sister and her captive audience for lullaby coos.

A year later, in 2014, Ashley channeled pain into a request that [touched thousands](#): Pour kindness into the world.

But Thursday night marked a new and unspeakable tragedy for the family. Eric Rosenbrock, 35, was "performing maintenance" on his handgun at their Corinth home when he discharged the weapon, authorities later said, and a round struck Ashley.

The mother of three later died at a hospital. She was 34.

Eric Rosenbrock, 35, pleaded guilty to one count of criminally negligent homicide in connection to the Nov. 16 death of his wife Ashley Rosenbrock.

He is to receive five years probation at his November sentencing.

In court Monday, Eric Rosenbrock told the court he was preparing for a hunting trip and was getting his pistol ready when it went off as his wife sat on the couch.

"I didn't know it was pointed at her," Rosenbrock said in court. He cried in court as he spoke.

Ashley Rosenbrock was hit in the torso and died, state police have said.

State police determined Eric Rosenbrock was cleaning his gun when it went off. The incident happened at their Raymond Street residence in Corinth.

The investigation resulted in Eric Rosenbrock being formally charged in February with one count of second-degree manslaughter, a felony.

Rosenbrock appeared with his attorney David Taffany. Rosenbrock and family members who had been in the gallery declined to comment afterward.

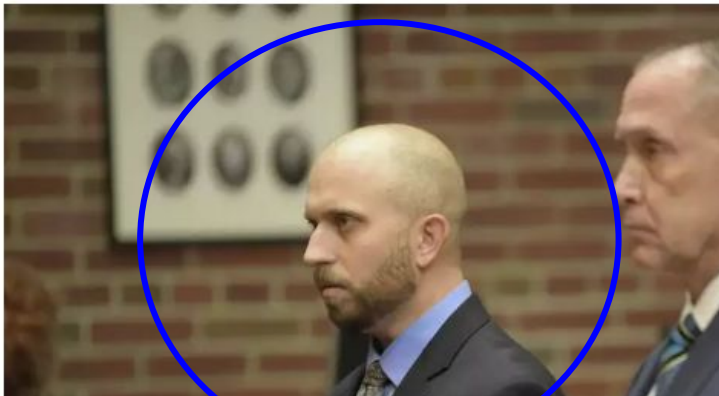


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# Teacher who fatally shot wife is back in Lake George classroom

Eric Rosenbrock, who pleaded guilty to criminally negligent homicide, retains science teaching certification

By **Wendy Liberatore**, Staff Writer  
Updated March 10, 2023 5:38 p.m.



Rosenbrock was initially brought back as a remote mentor. Yet now, parents and others living in the school district who want to remain anonymous say that Rosenbrock is back in school teaching. He is listed on the school's website as part of the seventh grade team.

In November 2018, Rosenbrock shot his wife, Ashley, 34, in the torso while he was cleaning a loaded 9 mm semi-automatic pistol at their Corinth home as he prepared to go hunting. He was arrested and indicted on second-degree manslaughter charges. He pleaded guilty to criminally negligent homicide in September 2019 and was sentenced to five years of probation, a term that began at the time of sentencing.

As Rosenbrock's charges worked their way through the courts, the school district continued to pay Rosenbrock. The district brought him back to do what it called support work during the 2021-22 school year. A school memo listed him as a remote mentor.

At the time, the state Education Department was reviewing his teaching certification. Under state law, a teacher convicted of a felony must undergo a Part 83 proceeding to decide if they have the "good moral character" to retain their teaching certification. The state Education Department's website indicates that Rosenbrock's teaching certification, issued in 2011, remains valid.

**Lake George Seniors take 2nd Place in Environmental Challenge at Envirothon**

May 2, 2024

A team of seniors from Lake George Jr.-Sr. High School, led by science teacher Eric Rosenbrock, recently participated in the 31st Annual Warren/Hamilton County Envirothon, a competition that tests students' knowledge of environmental science and natural resource management.

Samuel Burns, Oliver Herrick, Brendan Battersea-Manna, and Everett McLarty put their skills to the test, competing against 13 teams from 11 schools within the county. The Envirothon, a nationwide program run by local soil and water conservation districts, provides a unique hands-on learning experience for high school students.

Teams compete in five categories: Aquatic Ecology, Forestry, Soils & Land Use, Wildlife, and a current environmental issue, which this year focused on sustainable adaptations. Students collaborate on decision-making and problem-solving, sharing the

**RECENT HEADLINES**

- LGES Students Find Friendship and Adventure in "The Wild Robot"
- Lake George Central School District Partners with Building Better Futures for Parenting Webinar Series
- A Dystopian Journey: 9th Graders Explore Utopia and Its Consequences
- Balloons Visit Lake George Elementary School Ahead of the 51st Adirondack Balloon Festival
- Building Connections in the Classroom

**NEWS ARCHIVES**



# Man charged with attempted murder in mannequin hammer attack

By KEN RITTER March 7, 2017

LAS VEGAS (AP) — A hunt for the killer of two sleeping homeless men in Las Vegas led to an unusual attempted murder charge Tuesday and a legal debate about criminal intent, when a man was accused of trying to kill a mannequin used as a decoy near the downtown site where the men had died of head injuries.

The charge was lodged against 30-year-old Shane Allen Schindler at a hearing in which a justice of the peace ordered him to undergo a mental competency evaluation.

Clark County Public Defender Phil Kohn derided the charge of attempted murder as “a legal impossibility,” saying someone can’t kill an inanimate object.

But Nevada appellate law appears to support the charge. The state Supreme Court in 1976 rejected an argument asserting that “since it is legally impossible to commit the crime, it must also be legally impossible to attempt the crime.”



Charged 2min

<https://www.youtube.com/watch?v=3min7j2vACc&ppgUfbGFzIHZIZ2FzIG1hbiBtYW5uZXF1aW4gY2hhcmUZA%3D%3D>

### Trending on AP News



<https://www.youtube.com/watch?v=Q4aqbm-MKMM&ppgUfbGFzIHZIZ2FzIG1hbiBtYW5uZXF1aW4gY2hhcmUZA%3D%3D>

MLIVE footage



<https://www.youtube.com/watch?v=wEdKhAKbQKI>

NY Post footage with Captions

# Man admits hammer attack on human decoy, avoids murder charges in homeless slayings

JUNE 29, 2017 / 12:01 PM / AP



**LAS VEGAS** -- Police created a "human decoy," posing a mannequin like a sleeping homeless person, to catch a man they believe bludgeoned two men to death and injured a third in downtown Las Vegas.

They caught Shane Allen Schindler, who admitted Tuesday he attacked the mannequin with a hammer, thinking it was a real person.

Under his plea deal, Schindler faces eight to 20 years for attacking the mannequin - but he won't face charges in the Jan. 4 bludgeoning death of Daniel Aldape, the Feb. 3 killing of David Dunn, and a Nov. 30 assault on a sleeping homeless man. At least part of the reason is a lack of evidence in those attacks.

**Man who was homeless found dead under South Sacramento bridge**



**Pro-Palestine rally held in Dallas day after Israel and Hamas at war**



**NYPD: Attack on man in Chelsea investigated as hate crime**





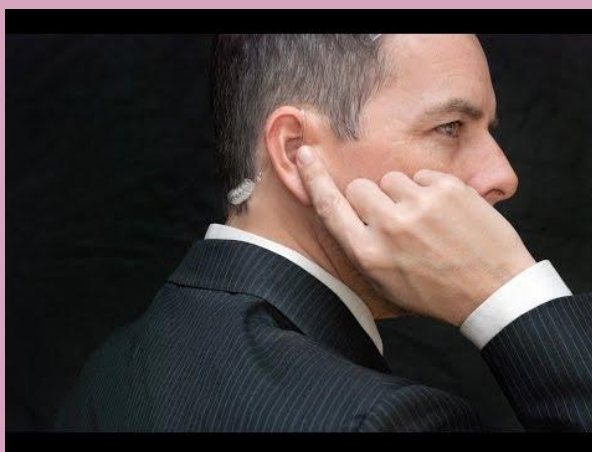
*The accused will NOT be found guilty of a crime if they were ENTRAPPED!*

# Entrapment Defense

A law enforcement officer induces a law-abiding citizen to commit a crime that would not have been committed otherwise.



LV Sting drugs



Entrapment Law explained



Bait Bike

Entrapment is commonly claimed by those in "buy and bust" sting operations by police.

# Assault and Battery

Class D Felony: 2-7 years  
Class B Felony 5-25 years

**Assault** - an attempt to commit battery

(some states like NYS have combined Assault & Battery).

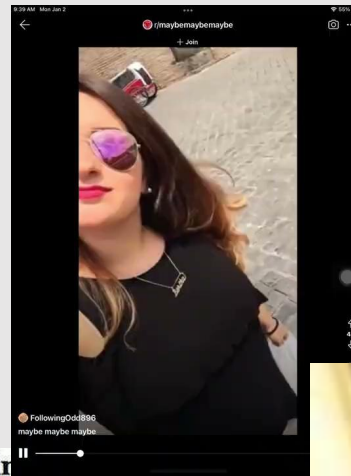
**Battery** - the unlawful touching of another person.

Requires criminal intent or reckless behavior

Different from an accident!

It does not have to be with a weapon.

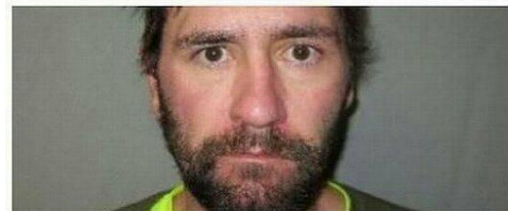
Poughkeepsie High School ex-teacher Ronette Ricketts gets 3-1/2 years in prison for stabbing colleague



Ronnie Ricketts (File photo)

Man Learns That Licking Eyeball Is A Felony

Posted: 04/16/2014 4:05 pm EDT | Updated: 04/16/2014 4:59 pm EDT



Eye couldn't bear to be licked by this man.

The Billings Gazette reports that Christopher Nicholas Hiatt, 34, was arrested outside of Pisser's Palace bar in Walkerville, Mont. on a previous warrant.

He allegedly struggled with officers as they attempted to get him into their car, and that's when things all wet. Hiatt's accused of licking one of the cop's eyeballs in the fracas.



<https://www.youtube.com/watch?v=q3bFU3Y12Jg&pp=ygUQdHNhIGFnZW50IGdyb3BIZA%3D%3D>

Battery - TSA agent 2min



# Assault and Battery?



[Result](#)

[McIntosh speaks of the incident](#)

[The women?](#)

**Kidnapping** - the unlawful removal or restraint of a person against that person's will.



International Parental Kidnapping  
**YVETTE TORRES**



**Aliases:**  
Yvette Dawson, Yvette Torres-Dawson, Yvette Thompson

**DESCRIPTION**

<b>Date(s) of Birth Used:</b>	July 31, 1963	<b>Hair:</b>	Brown
<b>Place of Birth:</b>	New York	<b>Eyes:</b>	Brown
<b>Height:</b>	5'4"	<b>Sex:</b>	Female
<b>Weight:</b>	110 pounds	<b>Race:</b>	White (Hispanic)
<b>Occupation:</b>	Unknown		
<b>Remarks:</b>	Torres suffers from Bipolar Disorder and was taking psychiatric medication including Zoloft and Depakote. She also suffers from a muscle condition. Torres is fluent in Spanish, and also speaks French and German. She may have traveled to Spain, England, or France.		

**DETAILS**

Yvette Torres took physical custody of her daughter, Sabrina, in Hauppauge, New York, on June 17, 2000, for a scheduled two-week visitation. However, Torres failed to return the girl to her father on July 1, 2000, thereby violating the joint custody agreement she had with Sabrina's father. A federal arrest warrant charging Torres with international parental kidnapping was issued on February 7, 2001, in the Eastern District of New York.

**Victim - SABRENA BECK**



<b>Date(s) of Birth Used:</b>	July 11, 1993	<b>Hair:</b>	Brown
<b>Place of Birth:</b>	New York	<b>Eyes:</b>	Brown
<b>Height:</b>	3'0" (at the time of her disappearance)	<b>Sex:</b>	Female
<b>Weight:</b>	35 pounds (at the time of her disappearance)	<b>Race:</b>	White

**Remarks:** Sabrina Beck may have been given the following aliases: Sabrina Dawson, Sabrina Dawson, Sabrina Beck, or Rena Dawson. She has a small birthmark on her neck and has her ears pierced.

<https://www.youtube.com/watch?v=JELaTPVrA78>



**Philadelphia DA: Men charged with kidnapping after stealing car with girl still in the back seat**

By FOX 29 Staff | Published October 11, 2022 9:32AM | Updated 9:33AM | News | FOX 29 Philadelphia



# Sex Offenses

Class B Felony 5-25 years

## Rape, Sexual Assault, Sexual Abuse, Misconduct:

Forcible rape does not specify the age of the offender, only the victim.



## "Yes means Yes" Law

NYS law states that parties must have "affirmative consent".

A person cannot give consent if mentally incapacitated or physically helpless, including as a result of alcohol or drugs.

Statutory rape applies to situations in which the victim is under age (consent of the under age person does not matter).

(Age of consent in NYS is 17.)

(Article 130 (Sexual Offenses) of the New York Penal Code)



# “Yes means Yes”: Affirmative Consent in NYS

## Consent in the Criminal Justice System in New York State is Defined by the New York State Penal Law

The factors related to consent to engage in sexual activity in the criminal justice system are different than those defined in the “Affirmative Consent” standard.

To constitute a violation of criminal law, a sexual offense based on **lack of consent**, results from:

- Being forced;
- Drugged without consent;
- Being physically helpless (unconscious, asleep, otherwise unable to say no);
- Any circumstance under which a victim had clearly expressed, in words or actions, that the victim did not consent, and that a reasonable person in that situation would have understood the victim’s words or acts as an expression of lack of consent;
- Any circumstance involving the touching of sexual or other intimate parts, directly or through clothing, in which the victim did not expressly or impliedly agree to the sexual contact.

Except for circumstances in which the law deems a victim incapable of consent, in order to constitute a violation of the NYS Penal Law for rape, or oral or anal criminal sexual act, the law places the responsibility on the victim to clearly express in words or actions that the victim does not consent.

### No Means No!

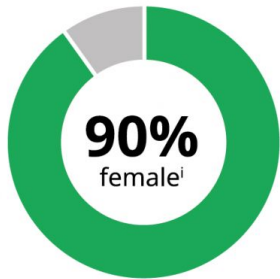
In “Affirmative Consent”, the responsibility is on the initiator of sexual activity to get a “yes” or otherwise ensure that consent is accepted.

For a full definition of **Consent** in the New York State Penal Law, go to: [troopers.ny.gov/enoughisenough](http://troopers.ny.gov/enoughisenough)

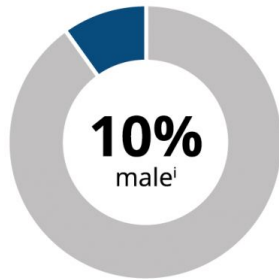




## 9 OUT OF EVERY 10 VICTIMS OF RAPE ARE FEMALE



17.7 million American women as of 1998<sup>i</sup>



2.78 million American men as of 1998<sup>ii</sup>

RAINN

National Sexual Assault Hotline | 800.656.HOPE | [online.rainn.org](http://online.rainn.org)  
Please visit [rainn.org/statistics/scope-problem](http://rainn.org/statistics/scope-problem) for full citation.<sup>3</sup>

## OUT OF EVERY 1,000 SEXUAL ASSAULTS, 975 PERPETRATORS WILL WALK FREE

**310** are reported to police<sup>i</sup>



**50** reports lead to arrest<sup>ii</sup>



**28** cases will lead to a felony conviction<sup>iii</sup>



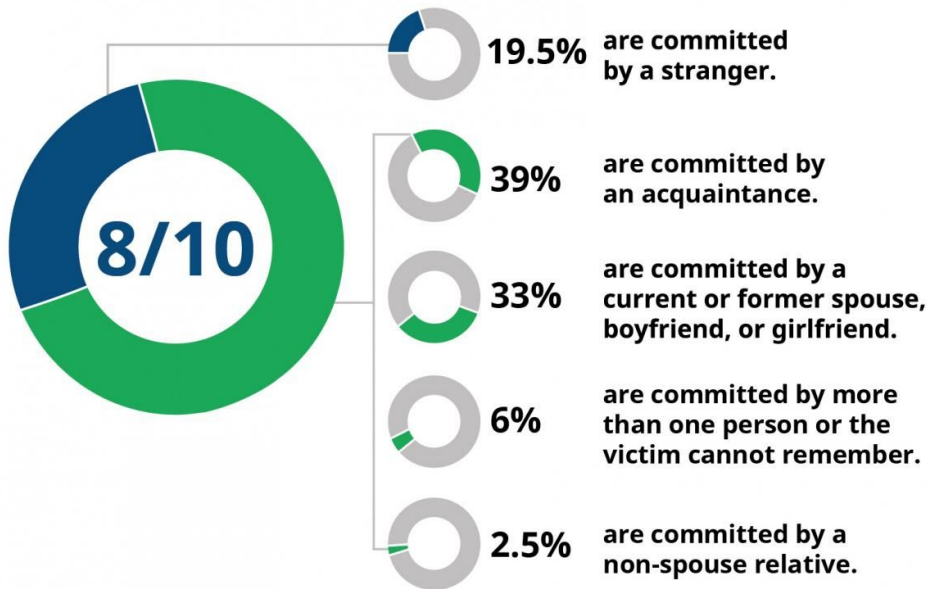
**25** perpetrators will be incarcerated<sup>iii</sup>



RAINN

National Sexual Assault Hotline | 800.656.HOPE | [online.rainn.org](http://online.rainn.org)  
Please visit [rainn.org/statistics/scope-problem](http://rainn.org/statistics/scope-problem) for full citation.<sup>1</sup>

## 8 OUT OF 10 RAPES ARE COMMITTED BY SOMEONE KNOWN TO THE VICTIM

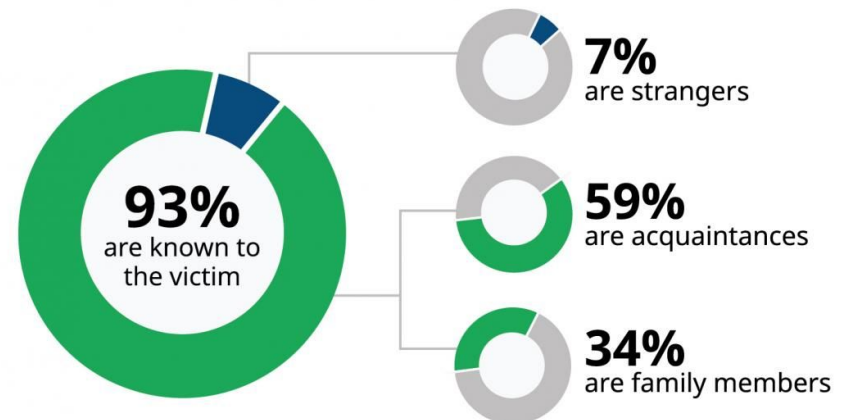


RAINN

National Sexual Assault Hotline | 800.656.HOPE | [online.rainn.org](http://online.rainn.org)  
Please visit [rainn.org/statistics/perpetrators-sexual-violence](http://rainn.org/statistics/perpetrators-sexual-violence) for full citation.<sup>1</sup>

## CHILD VICTIMS OFTEN KNOW THE PERPETRATOR

Among cases of child sexual abuse reported to law enforcement:



RAINN

National Sexual Assault Hotline | 800.656.HOPE | [online.rainn.org](http://online.rainn.org)  
Please visit [rainn.org/statistics/children-and-teens](http://rainn.org/statistics/children-and-teens) for full citation.<sup>4</sup>

## Domestic Violence:

any reckless form of physical or mental abuse between family or household members.

(i.e. Assault/Battery, Stalking, Harassment, Threats, Intimidation, Coercion, ID Theft, Larceny)

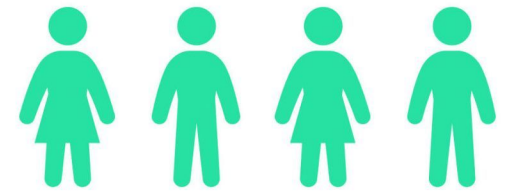
- Includes wives, husbands, children, and parents.
- Includes people in a relationship (living or not living together)
- A protective order is an order from the court to stop certain actions and cease contact.



**1 IN 3 WOMEN**

**& 1 IN 4 MEN**

HAVE BEEN VICTIMS OF PHYSICAL  
VIOLENCE BY AN INTIMATE PARTNER



**1 IN 15  
CHILDREN**

ARE EXPOSED TO  
INTIMATE PARTNER  
VIOLENCE EACH YEAR  
(90% OF THESE ARE EYEWITNESSES)

# Rico Shirt Is Convicted of Hate Crimes

The man faces up to five years in prison after the encounter in a Chicago park last year.



2min vid

Timothy Trybus, 63, of Chicago, was convicted of two hate crime charges this week. Forest Preserves of Cook County

A Des Plaines man found guilty of a hate crime for harassing a woman wearing a shirt emblazoned with the Puerto Rican flag was sentenced Monday to two years of probation and 200 hours of community service, and forbidden from going into any Cook County forest preserves for two years.

Timothy G. Trybus, 63, was found guilty last month of a hate crime for verbally berating the woman in a forest preserve in 2018.

Prosecutors on Monday said they met with Irizarry over the weekend. They said she told them she wants to put the incident behind her and that she did not think Trybus should be sent to prison. Trybus could have been sentenced to as many as five years in prison, prosecutors said.

Trybus on Monday told the court he was taking pain medication after having a dental procedure and was also drinking on June 14, 2018, the day of the incident at the Caldwell Woods Cook County Forest Preserve in Chicago.

“I am extremely saddened and embarrassed,” Trybus said. “I’m very shamed that my name, my children’s names and my grandchildren’s names have been shamed by this.”



[https://www.youtube.com/watch?v=QsBN78\\_5aVI&pp=ygURVGltb3RoeSBHlBUcnlidXM%3D](https://www.youtube.com/watch?v=QsBN78_5aVI&pp=ygURVGltb3RoeSBHlBUcnlidXM%3D)

conclusion 2min



# Hate Crimes - person is targeted based on race, religion, color, or gender. It can be applied to certain symbols, writings, pictures, and spoken words.

NYS defines hate crime: race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct

ROSEVILLE

## Man arrested in connection to hate crime at Roseville's Blaze Pizza



## Man convicted of hate crime in 2013 Old Market assault



Crime & Safety

## LI Man Accused Of Hate Crimes, Anti-Semitic Graffiti Indicted: DA

if convicted, he could face more than two years in prison, prosecutors say.

An East Meadow man was indicted on hate crimes stemming from anti-Semitic graffiti in April, prosecutors said. (Shutterstock)

MINEOLA, NY — An East Meadow man was indicted on several charges after he allegedly spray painted anti-Semitic phrases on fences and in front of a synagogue in April, prosecutors said.

Sebastian Patino Caceres, 23, was arraigned on multiple charges of criminal mischief as a hate crime, authorities said.

According to Nassau County District Attorney Anne Donnelly, on April 14 and 15, Patino Caceres reportedly spray-painted several anti-Semitic phrases on PVC fencing of the rear yards of private homes along Merrick Avenue. The phrases included "Zionism is Nazism," "Stop the Genocide," "Free Palestine," and "F--k Israel", the DA said.

paper with instructions for April 22, when he'll be sentenced for sucker-punching Ryan Langenegger after one of Duncan's friends called a man in drag a "faggot."

Duncan, a 36-year-old Kansas City, Missouri, man who says he has no record, faces up to five years of probation or 20 months to five years in prison.

Foo said he took no pleasure in Duncan's conviction.

"My hope is just this: I just wish more people would treat each other with more respect," Foo said. "And I hope things like this won't happen again."

Duncan's attorney, James Martin Davis, promised to appeal the verdict, saying it "cheapens" the concept of hate crimes. After a three-day trial, jurors deliberated three hours before convicting Duncan.

### Related Stories

- Man says he was protecting drunk friend in Old Market scuffle, not committing hate crime
- Booze-fueled shenanigans? Sexual slur? Hate-crime charge is off base in Old Market case, lawyer says



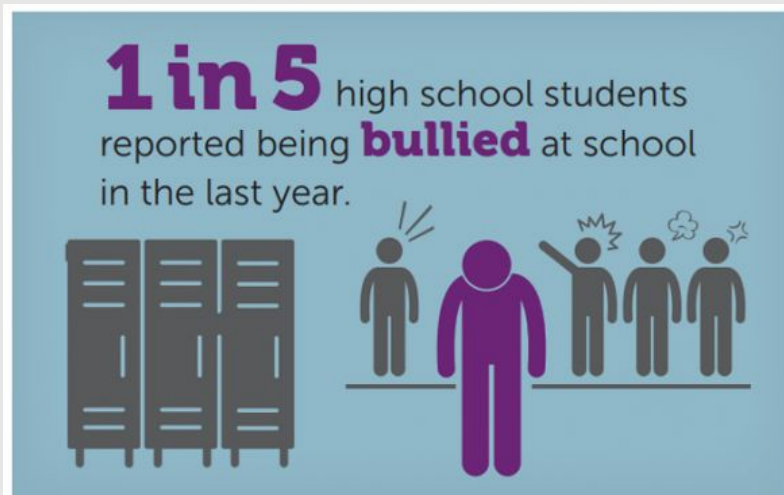
**Bullying** - a form of aggressive behavior involving real or perceived imbalance of power.

Two elements:

- Imbalance of Power: physical strength, access to embarrassing information, or popularity
- Repetition: Bullying behaviors happen more than once or have the potential to happen more than once.

Three forms:

- Physical: hitting, kicking, pinching, spitting, tripping, pushing, taking or breaking someone's things, hand gestures
- Social: Leaving someone out on purpose, telling other children not to be friends with someone, spreading rumors about someone
- Verbal: Teasing, name-calling, taunting, inappropriate sexual comments, threats



# DRIVING - Criminal Law

# Motor Vehicle Violations

- o A license to drive is a privilege, not a right.
- o May have to pay for damages to person and/or property
- o Insurance will go up for ~5 years

## TRAFFIC TICKETS STATISTICS

### TOP TRAFFIC CITATION STATES



Average number of people  that receive a speeding ticket

**PER DAY = 112,000**

Average number of people  that receive speeding tickets

**PER YEAR = 41 MILLION**

Average cost of a speeding ticket (including fees) 

**= \$152**

Average annual speeding ticket revenue per U.S. police officer 

**= \$300,000**

Total paid in speeding tickets 

**PER YEAR = \$6.23 BILLION**

Percentage of speeding tickets that gets contested in traffic court 


**= 5%**




www.LinCharlotte.com

Law Office of Charlotte C. Lin

## KNOW THE FACTS

 Teens have an **89.2%** chance of being involved in a car crash during their first 3 years of driving

 Motor vehicle crashes are the **leading cause of death** of 15- to 20-year-olds

 **20%** of deaths among vehicle passengers of all ages occur while a teen is driving



**50%** of teen driver fatality crashes involve a **single vehicle**

### What are the penalties for traffic violations as a junior driver?

Your junior permit, license, or privileges will be suspended for 60 days if you are convicted of one serious traffic violation or two other violations that were committed while you held a junior permit or license.

Your junior permit, license, or privileges will be revoked for 60 days if you are convicted of one serious traffic violation or two other violations within the first six months after your permit, license or privileges are restored after a suspension or revocation.

A "serious traffic violation" is normally a violation that carries three or more [driver violation points](#).

### What are the penalties for conviction of cell phone use or texting as a junior driver?

If you have a Class DJ or MJ driver license or learner permit, the first conviction of a cell phone use or texting violation will result in a suspension of your driver license or permit for 60 days. (For texting/cell phone violations committed between July 1, 2013 and October 31, 2014)

A second conviction within six months will result in

- a revocation of at least 6 months of a probationary license, or
- a revocation of at least 60 days for a Class DJ or MJ driver license or learner permit

Effective November 1, 2014, the first conviction of a cell phone use or texting violation will result in a suspension of the driver license or permit for 120 days.

A second conviction within six months of the restoration of the license or permit (after the 120 day suspension is terminated) will result in



# Driving Under the Influence -

Impaired driving is not permitted, whether caused by

- Alcohol
- Drugs (prescribed, over the counter, illegal)

DRUNK DRIVING PENALTIES			
<b>Driving While Intoxicated</b>			
DWI [.08% and higher Blood Alcohol Content (BAC) or other evidence of intoxication]			
	FINE	JAIL SENTENCE	LICENSE ACTION
1 <sup>ST</sup> Offense (Misdemeanor)	Minimum \$ 500 Maximum \$ 1,000	Up to 1 Year	Minimum 6-Month Revocation
2 <sup>ND</sup> Offense (Within 10 years / Class E Felony)	Minimum \$1,000 Maximum \$ 5,000	Up to 4 Years	Minimum 1-Year Revocation*
3 <sup>RD</sup> Offense (Within 10 years / Class D Felony)	Minimum \$2,000 Maximum \$10,000	Up to 7 Years	Minimum 1-Year Revocation*
A person convicted of DWI could be sentenced to 3 years probation for a misdemeanor conviction and 5 years probation for a felony conviction.			
<b>Aggravated Driving While Intoxicated</b>			
ADWI [.18% and higher Blood Alcohol Content (BAC)]			
	FINE	JAIL SENTENCE	LICENSE ACTION
1 <sup>ST</sup> Offense (Misdemeanor)**	Minimum \$1,000 Maximum \$ 2,500	Up to 1 Year	Minimum 1-Year Revocation
2 <sup>ND</sup> Offense (Class E Felony)	Minimum \$1,000 Maximum \$ 5,000	Up to 4 Years	Minimum 18-Month Revocation
3 <sup>RD</sup> Offense (Class D Felony)	Minimum \$2,000 Maximum \$10,000	Up to 7 Years	Minimum 18 Month Revocation
<b>Driving While Ability Impaired</b>			
DWAi [ more than .05% to less than .08% Blood Alcohol Content (BAC) ]			
	FINE	JAIL SENTENCE	LICENSE ACTION
1 <sup>ST</sup> Offense (Traffic Infraction)	Minimum \$ 300 Maximum \$ 500	Up to 15 Days	90-Day Suspension
2 <sup>ND</sup> Offense Within 5 years (Traffic Infraction)	Minimum \$ 500 Maximum \$ 750	Up to 30 Days	Minimum 6-Month Revocation*
3 <sup>RD</sup> Offense Within 10 years (Misdemeanor)	Minimum \$ 750 Maximum \$1,500	Up to 180 Days	Minimum 6-Month Revocation*
<b>Zero Tolerance</b>			
Drivers Under 21 [DMV administrative finding of .02% to .07% Blood Alcohol Content (BAC)]			
	CIVIL PENALTY	LICENSE ACTION	ADDED FEE
1 <sup>ST</sup> Offense	Minimum \$125	6-Month Suspension	\$100 Suspension Termination Fee
2 <sup>ND</sup> Offense	Minimum \$125	1-Year Revocation or until age 21, whichever is longer	\$100 Re-Application Fee
* The Department of Motor Vehicles decides when your license can be returned. Its return or reinstatement, based on state law or regulation, is not automatic. You must apply for your license, pay civil penalties, a relicense fee and you may have to take a test.			
** Cannot plead below DWI Misdemeanor.			



# OWI, OVI, DWI, OUI: Different Names for Impaired Driving

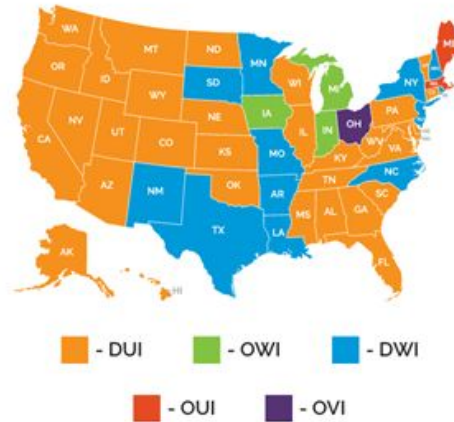
[Intoxalock](#)

10/12/2020

There are many names for alcohol-based driving incidents, and all result in serious consequences. While DUI, or driving under the influence, is the most common term, some states have different phrasing for a drunk driving offense. In general, there is no major difference between a DUI or DWI, OWI, OUI, or OVI offense, though the name may be different.

The differences come with how each state treats DUI offenders. States are in charge of determining penalties for these types of offenses, so the penalties and fines for DUI vary. For example, Utah has set their legal BAC (blood alcohol content) limit at .05 percent, which is lower than all other states, who have a limit of .08 percent.

Other differences include varying rules regarding license suspension and ignition interlock device regulations.



## The Cost of a Drunk Driving Conviction

### First Time Offender

■ Towing	\$ 50 plus
■ Car Storage (Fee Per Day)	\$ 45 plus
■ Defense Attorney	\$500 to \$1,500 plus
■ Bail Fee	0 to \$ 250 plus
■ DWI Fine	\$300 to \$1,000
■ Court Surcharge for Crime Victims Assistance Fund	\$ 20
■ Court Surcharge for Misdemeanor Level Crimes	\$ 140
■ Alcohol Evaluation	\$ 90 plus
■ DWI Victim Impact Panel Session	\$ 25
■ Probation Supervision Fee	0 to \$ 250 plus
■ Conditional License	\$ 75
■ Drinking Driver Program Fee	\$ 225
■ DMV Civil Penalty	\$ 300
■ DMV License Reinstatement Fee	\$ 50
■ Auto Insurance (additional cost per year)	\$2,000 to \$3,000

**Total:** **\$3,645 to \$6,845**

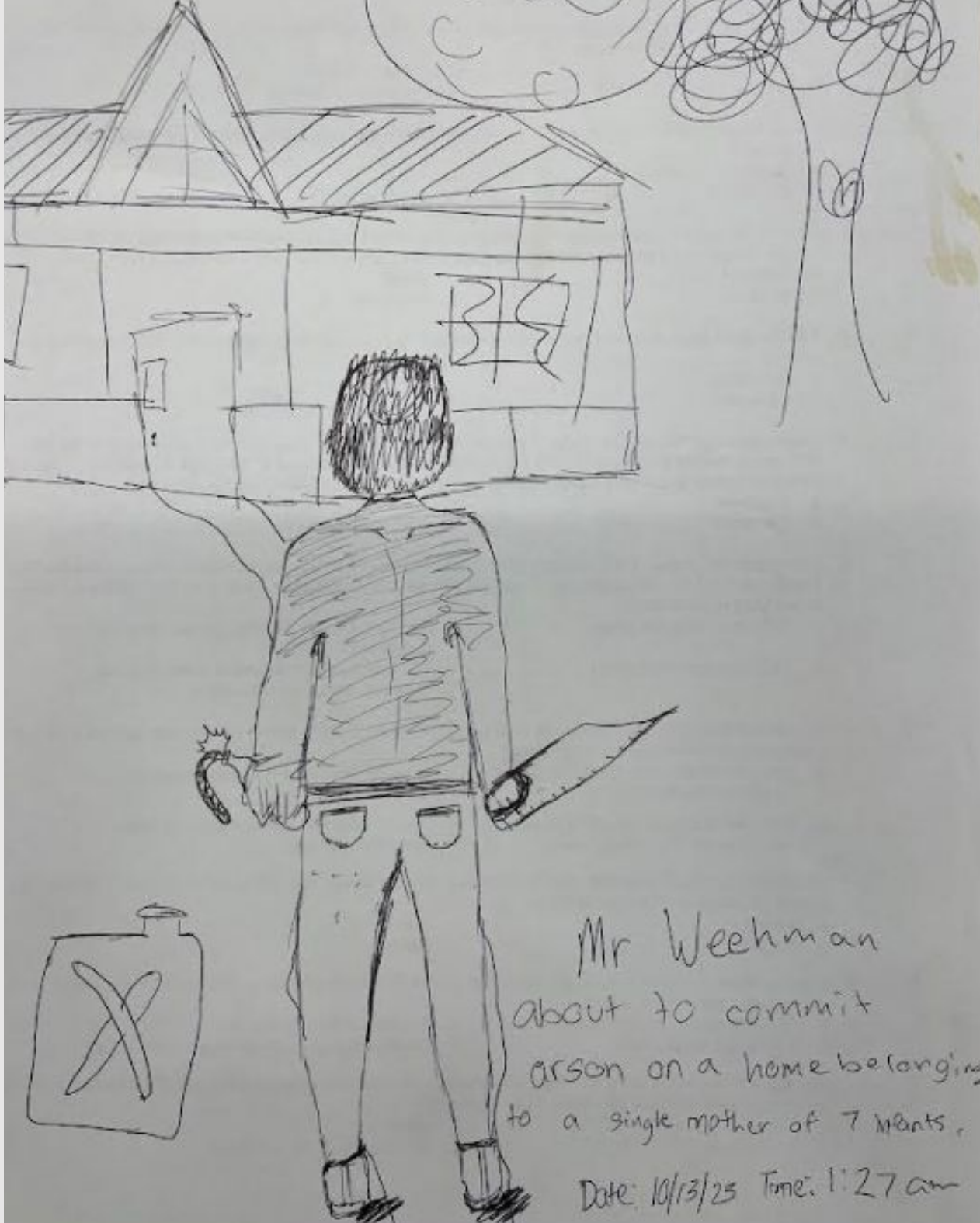
# Crimes Against Property

Thomas confronted Shannon in the parking lot after a football game. He had a knife in his hand and demanded Shannon's cell phone and money. James served as a lookout. All is caught on camera.

What could Thomas be charged with?  
What, if anything could James be charged with?



Both Thomas and James could be prosecuted for robbery in the second degree, even though James only served as the lookout.



Mr Weehman  
about to commit  
arson on a home belonging  
to a single mother of 7 kids.  
Date: 10/13/25 Time: 1:27 am

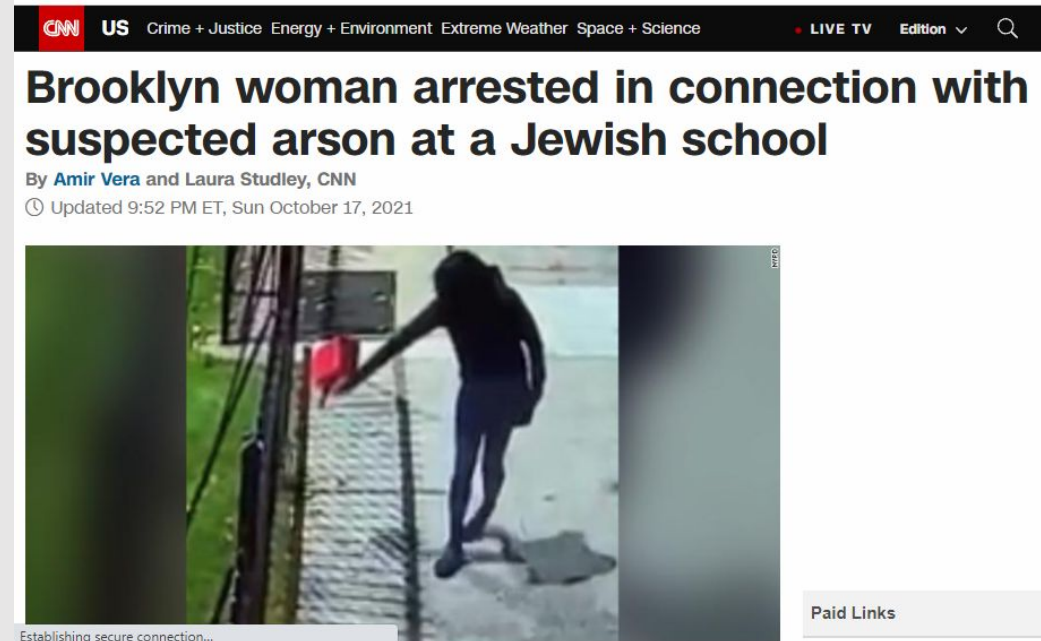


# Arson: willful and malicious burning of... ...a house, building, or other building.

Under New York Penal Law § 150.10, arson in the third degree involves intentionally damaging a building or vehicle by the use of fire or by causing an explosion



1min



# "STEALING" IS NOT the name of A CRIME

What are the actual “crimes/charges” called?

# "STEALING" IS NOT the name of A CRIME

Robbery

Larceny

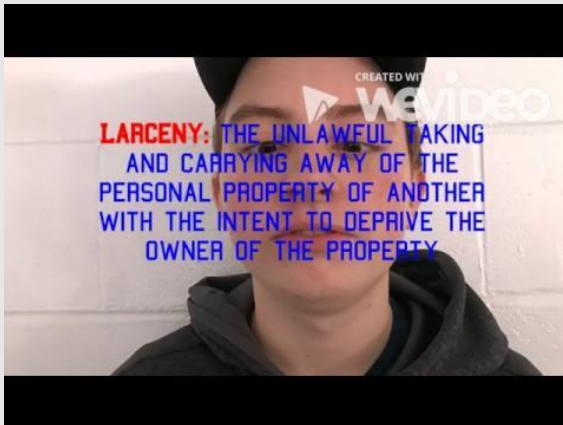
Burglary

Embezzlement

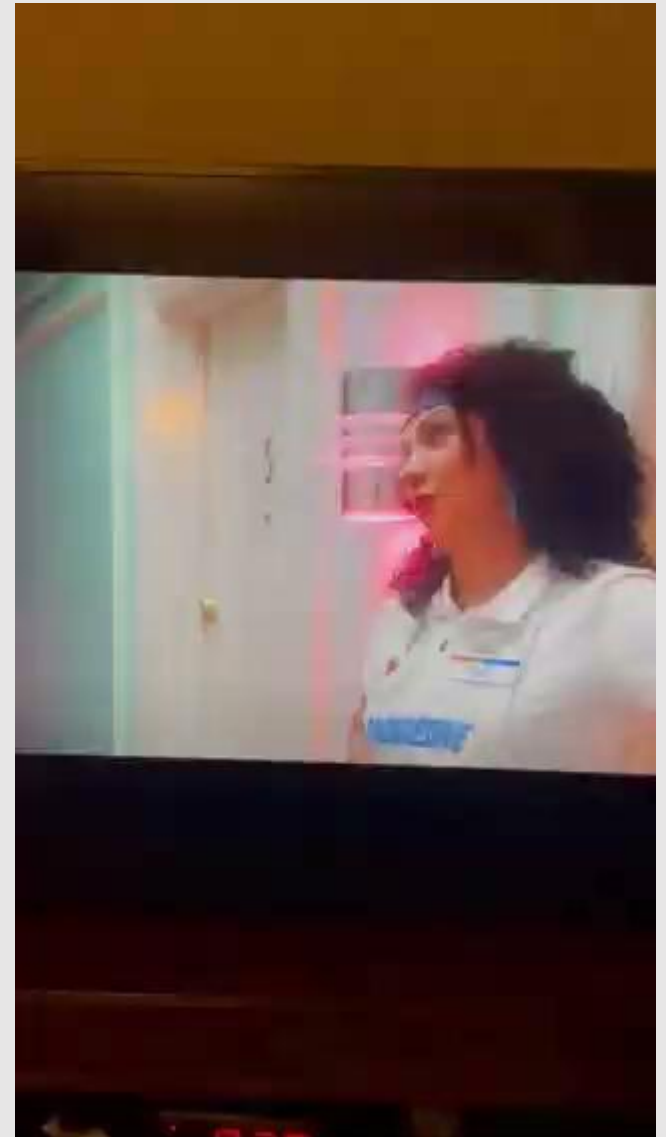
Extortion

Shoplifting

Identity Theft



Student Video - John Jay- 3min





THIS WOMAN HAD BELONGINGS  
FROM HER HOUSE STOLEN  
WHEN SHE WASN'T HOME. SHE  
WAS ROBBED! WE MUST HELP HER!!!

SHE WASN'T  
ROBBED YOU IDIOT  
SHE WAS BURGLARIZED!



imgflip.com

## WHAT WEAPON USED IN ROBBERY



**FIREARM**  
131,000  
OFFENSES



**STRONG ARM**  
126,000  
OFFENSES



**KNIFE**  
24,000  
OFFENSES



**OTHER**  
27,000  
OFFENSES

## WHEN DOES BURGLARY OCCUR?



## RESIDENTIAL VS COMMERCIAL BURGLARY



## LARCENY\* BREAKDOWN



**STOLEN FROM VEHICLES**  
1,520,000 OFFENSES / \$737 AVG STOLEN



**SHOPLIFTING**  
1,002,000 OFFENSES / \$178 AVG STOLEN



**FROM BUILDINGS**  
620,000 OFFENSES / \$1,233 AVG STOLEN



**MOTOR VEHICLE ACCESORIES**  
501,000 OFFENSES / \$528 AVG STOLEN



**BICYCLES**  
187,000 OFFENSES / \$345 AVG STOLEN





**Burglary:**  
the breaking (opening) and entering  
of a dwelling/building...  
... with the intent to commit a felony.

**Burg 3rd 1-3 years**  
**Burg 2nd 3.5 - 15 years**  
**Burg 1st 5-25 years**

4min - prevention tips - BRITISH



<https://www.youtube.com/watch?v=wHdNo8F7RwQ>

Newsroom / News / Troop K - Poughkeepsie

## Manhunt Results in Arrest of Oneonta Man

02 September 2023



**NEW YORK STATE POLICE**  
Major Kathryne M. Rohde  
Troop K Commander  
845-677-7300

### PRESS RELEASE

East Fishkill, New York – On September 1, 2023, the New York State Police, East Fishkill Police, and the Putnam County Sheriff's Office, arrested Joseph Gourd, age 41, of Oneonta, NY, for Attempted Murder of a Police Officer in the 1st degree, a class A-I felony, and Burglary in the 2nd degree, a class C felony, Reckless Endangerment in the 1st degree, Grand Larceny in the 3rd degree, both class D felonies, and Criminal Possession of Stolen Property in the 4th degree, a class E felony.

At approximately 12:15 p.m., members of the East Fishkill Police Department responded to a residence on Hortontown Road for a burglary in progress. The suspect ran when confronted inside the residence. Outside, he was able to make entry into an unmarked police vehicle. The suspect then drove directly at the officers at which time one member of the East Fishkill Police Department discharged one ineffective round towards the vehicle.

The suspect fled the scene traveling south on the Taconic State Parkway before crashing near State Route 301. Additional responding agencies to include the Town of Kent Police Department, Town of Carmel Police Department K9, New York State Park Police, Dutchess County Sheriff's Office, Metropolitan Transportation Authority Police and Department of Environment Conservation Forest Rangers converged on the area to assist with a multi-agency coordinated search. The suspect, later identified as Gourd, was located and taken into custody.

Gourd was arraigned in the Town of East Fishkill Court and remanded to Dutchess County Jail. He is due back in the Town of East Fishkill Court on September 6, 2023, at 6:15 p.m.

### NEWS

## Wappinger man, Poughkeepsie woman charged after theft

 **A.J. Martelli**  
Poughkeepsie Journal

Published 6:59 p.m. ET Feb. 4, 2019 | Updated 7:13 p.m. ET Feb. 4, 2019



A Town of Wappinger man and a Poughkeepsie woman were charged with felonies after stealing items from a Pleasant Valley house, according to New York State Police.

Christian I. Rivera, 21, was charged with second-degree burglary, a class C felony, while 23-year-old Ashley A. Kelly was charged with fourth-degree criminal possession of stolen property, a class E felony.

An investigation determined Rivera and Kelly illegally entered a residence in Pleasant Valley and stole multiple items, police said. Among the items stolen were an LG television, an Xbox console, an Amazon Fire tablet, a watch and a gold necklace, police said.

Rivera was arraigned in Town of Stanford Court and remanded to Dutchess County Jail on \$25,000 cash bail or \$50,000 bond. He was scheduled for a preliminary hearing on Feb. 1 in Pleasant Valley Court.

Kelly was issued a ticket to be returned to Town of Pleasant Valley Court on Jan. 31.



Christian I. Rivera mugshot  
Courtesy: Photo



Ashley A. Kelly  
mugshot Courtesy

### Crime & Safety

## Pair Arrested For Stealing From Wappingers School

Authorities said the couple entered the building during a school event.

 **Michael Woyton**, Patch Staff

Posted Tue, Jan 9, 2018 at 3:03 pm ET

Reply



# Larceny:

the unlawful stealing of another's personal property

+Petty larceny (misdemeanor, \$1,000>x)

+Grand larceny (felony, \$1,000<x)

Depends on Amount:

→ 3 years

→ 7 years

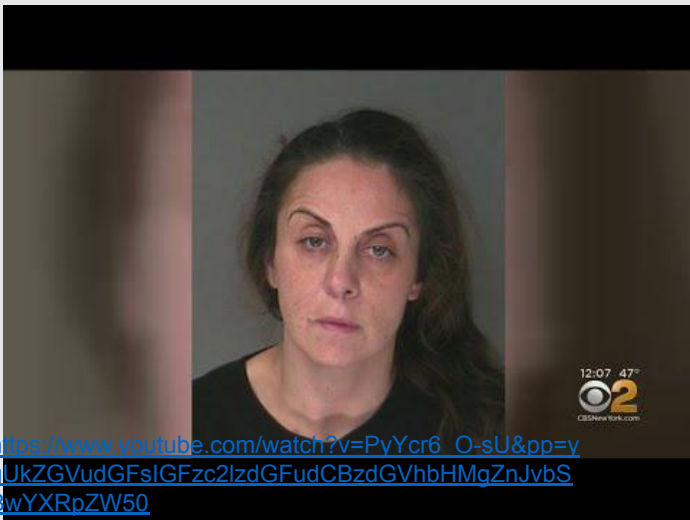
→ 15 years

→ 25 years



<https://www.youtube.com/watch?v=84aXScUQHSM&pp=ygUzbGFyY2VueSBiYW5rIGVycm9y>

34sec - bank error



[https://www.youtube.com/watch?v=PyYcr6\\_O-sU&pp=ygUkZGVudGFsIGFzc2lzdGFudCBzdGVhbHMqZnJvbSBwYXRpZW50](https://www.youtube.com/watch?v=PyYcr6_O-sU&pp=ygUkZGVudGFsIGFzc2lzdGFudCBzdGVhbHMqZnJvbSBwYXRpZW50)

21 sec - dental asst steals from patients

Crime & Safety

## Man Steals Catalytic Converters At Dutchess Fairgrounds: NYSP

Authorities said the thefts took place during the Sheep and Wool Festival in Rhinebeck.

Mid-Hudson Librar... Mock Trial Case Arc... Police vs Privacy pg... Home Infinite Campus



A Wappinger man was accused of stealing catalytic converters from cars parked at the Dutchess County Fairgrounds. (Shutterstock)

RHINEBECK, NY — A Dutchess County man was accused of stealing catalytic converters from cars parked at the fairgrounds in Rhinebeck.

The New York State Police said George Foster, 39, of Wappinger, was arrested and charged Tuesday with first-degree auto stripping and four counts of third-degree grand larceny, felonies.

Police said troopers began investigating the theft of the catalytic converters Oct. 16 at the Sheep and Wool Festival hosted by the Dutchess County Fairgrounds.

With the assistance of fairgrounds personnel, the investigation found that Foster entered the parking areas and removed the catalytic converters from three Honda Elements.

Foster was issued an appearance ticket returnable to the Town of



**PETIT LARCENY**  
a class A misdemeanor

UP TO 1 YEAR JAIL

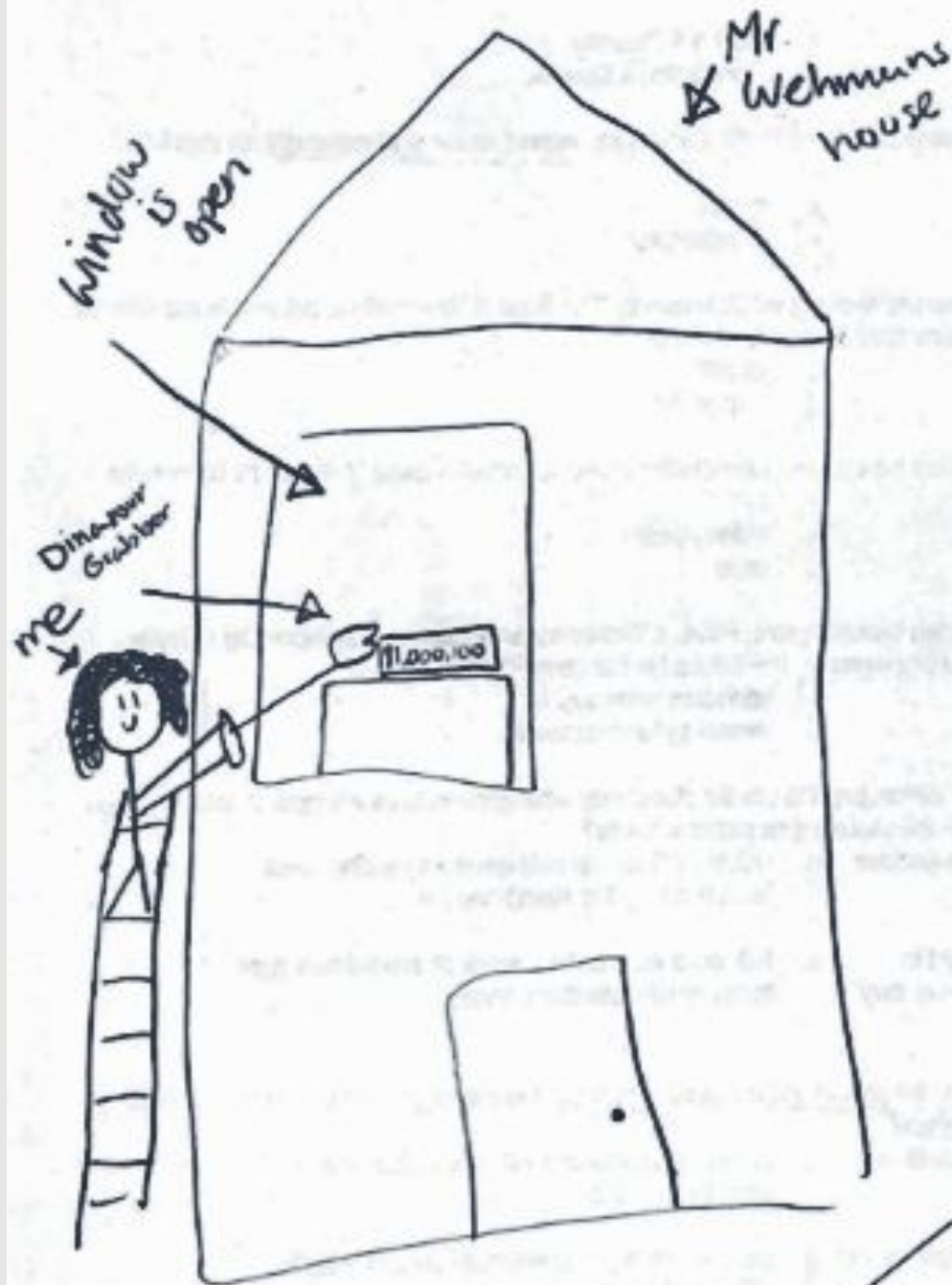
2 OR 3 YEARS PROBATION

3min - defined

# Burglery

or

# Larceny?



## Larceny by false pretenses:

- taking of someone's money or property by intentionally deceiving that person.
- Statements must be intended and the victim must rely on them.



Born to working-class parents in the [Soviet Union](#), Sorokin emigrated from Russia to Germany with her family in 2007. In 2011, she left Germany to live in London and Paris before relocating to New York City in 2013. She later created fake financial documents to substantiate her claims of having a multimillion-euro trust fund, and forged multiple wire transfer confirmations. Sorokin used these documents, as well as fraudulent checks, to trick banks, acquaintances, and realtors into paying out cash and granting large loans without collateral. She used this to fund her lavish lifestyle, including residencies in multiple upper-class hotels. Between 2013 and 2017, Sorokin defrauded and deceived major financial institutions, banks, hotels, and individuals for a total of \$275,000.

### Maddie's Fight Against Pancreatic Cancer



\$37,905 raised of \$100,000 goal

All donations

Share

Donate now

Anonymous

\$100

Anonymous

\$50

Anonymous

\$50

Anonymous

\$50

Anonymous

\$50

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Anonymous

\$50

<https://www.youtube.com/watch?v=fGcOZ4XPHE>



**Robbery:** the wrongful stealing of the another's personal property

- accompanied by violence, intimidation, or threats.
- penalty is greater than for larceny



## 18-Year-Old Nabbed After Armed Robbery Of Wappinger Gas Station

An 18-year-old man has been charged with allegedly robbing a Hudson Valley gas station at gunpoint.



Sheriff's deputies responded to the Shell gas station at 1831 Route 376 in the Town of Wappinger for a report of an armed robbery, said Capt. John Watterson of the Dutchess County Sheriff's Office.

A preliminary investigation revealed that Joseph A. Wrubel, age 18, of Poughkeepsie, entered the business, displayed a firearm, and stole cash and merchandise before fleeing on foot, Watterson said.

Further investigation by detectives led to the identification and arrest of Wrubel later in the day, he added.

Wrubel was charged with felony robbery and was remanded to the Dutchess County Jail in lieu of a \$25,000 cash or \$50,000 bond.

**Extortion:** obtaining property of another by...  
instilling fear of injury, damage to property,  
and/or exposing a fact (whether true or false)



Former police chief - 41sec



<https://www.youtube.com/watch?v=guMRcLiPgoc&pp=ygURd29tYW4gZXh0b3J0cyBtYW4%3D>

Woman extorts man - (2min)



<https://www.youtube.com/watch?v=vs6-iggYktk>

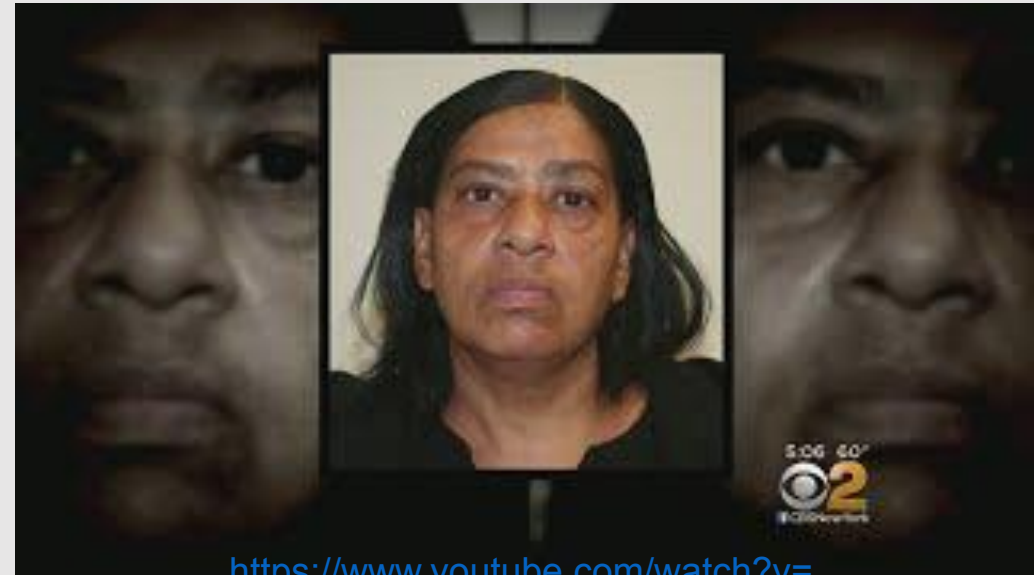
1min



<https://www.youtube.com/watch?v=ZH9GbgB3238&pp=ygURd29tYW4gZXh0b3J0cyBtYW4%3D>

**Embezzlement** : the wrongful taking away of another's property...

... by a person who has been entrusted with that property.



[https://www.youtube.com/watch?v=MJO\\_Vb4syO0](https://www.youtube.com/watch?v=MJO_Vb4syO0)



## Companies can also participate in, and be found guilty of theft/fraud.

### Bottini Fuel defrauded customers, owes \$3.2M in restitution, damages: Attorney General

Geoffrey Wilson, Poughkeepsie Journal Published 3:16 p.m. ET Nov. 27, 2018 | Updated 4:52 p.m. ET Nov. 27, 2018

Over 12 years, Bottini Fuel defrauded customers ranging from Hudson Valley homeowners to local governments and school districts, siphoning more than \$1.7 million of customer overpayments and duplicate payments into “dummy accounts”, according to the New York Attorney General's Office.

Now the Wappingers Falls-based heating oil delivery company must pay more than \$3.2 million in restitution and penalties, according to the attorney general's office

"[Bottini Fuel](#) orchestrated a brazen scheme to defraud its customers for the benefit of the company and its owners," said Attorney General Barbara Underwood. "This conduct was longstanding and harmed individual, business, and government customers. We are grateful to the whistleblower who helped bring this illegal conduct to light and are pleased to be able to give back the money rightfully owed to Hudson Valley customers."

The investigation found that [Bottini Fuel](#) took \$1,171,884 from homeowners and the private sector and \$590,887 from government agencies from 2004 to 2016, all of which must be paid back in restitution. Bottini must also pay \$1.5 million in damages.

As a result of the plea deal, Bottini Fuel was charged with second-degree falsifying business records, a class A misdemeanor.

Bottini Fuel Statement: “We regret that mistakes were made resulting in account overpayments not being returned to a small number of customers,” reads a company statement from Bottini Fuel. “All funds have been returned in full to the state and will be available to be reclaimed by customers. We have put safeguards in place to ensure this never happens again and apologize to all customers who were impacted.”

# Shoplifting: the act of stealing goods from a store.

designer clothing, laundry detergent, designer handbags, allergy medicine, razors, high-end liquor, pain relievers, baby formula, laptops, deodorant and high-end appliances,

according to the National Retail Federation.

**Woman arrested after switching prices on items at Walmart**

© APRIL 28, 2022

BEDFORD – A Mitchell woman was arrested and issued a summons to appear in court after she was caught stealing at Walmart.

Police arrested 44-year-old Alicia Claffy on a charge of theft.

## Did you know? Shoplifting Statistics

### National Facts:

### Shoplifters steal from all types of stores:

#### There is no profile of a typical shoplifter:

- Men and women shoplift about equally as often

#### Approximately

- 25 percent of shoplifters are kids
- 75 percent are adults
- 55 percent of adult shoplifters say they started shoplifting in their teens.



**Vandalism:** the willful or malicious causing of damage to property.

- Under parental liability laws, the parents of vandals are also often required to pay for the damages.
- Those who keep watch are guilty, too.



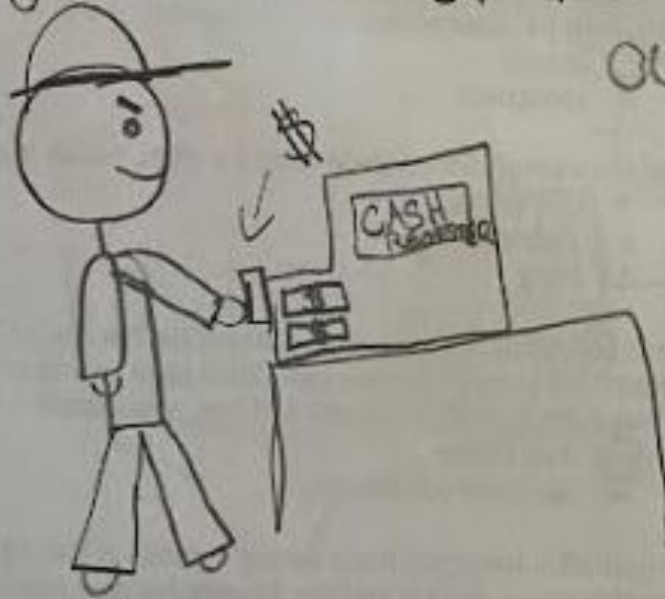
Devious Licks (2min)



QUIZ!

Mwahahaha  
hahahaha

Allie



Allie works at mcdonalds. Before the end of her shift she steals \$20 out of the register.

WHAT  
Crime did  
Allie commit?

- A. Larceny
- B. Embezzlement
- C. Robbery
- D. Burglary
- E. Extortion

# Crimes Against Business Interests

**Bribery:** paying or giving something of value to a public official in order to influence their official activity.



2min

<https://www.youtube.com/watch?v=zp-KbbpHjp8&pp=ygUMd29tYW4gYnJpYmVz>

# Crimes Against Business Interests

**Forgery:** false making or changing of a writing with the intent to defraud.



 **WANTED**   
BY THE NEW YORK STATE POLICE  
TROOP F, SP MONROE



JENNIFER ROBERT	
AGE:	29 YEARS OLD
SEX:	FEMALE
RACE:	BLACK
HEIGHT:	5'5"
WEIGHT:	150 POUNDS
HAIR:	BROWN
EYES:	BROWN

**WANTED FOR**

**POSSESSION OF A FORGED INSTRUMENT 2<sup>ND</sup> DEGREE**

Jennifer Robert was arrested for cashing forged checks in the amount \$987.07, then failed to pay restitution. A bench warrant was issued for her arrest by the Orange County Court. Robert's last know address was in Spring Valley, New York.

Anyone with information as to the whereabouts of this individual, should contact the NEW YORK STATE POLICE ASAP. You **SHOULD NOT** take any police-action yourself other than contact the NEW YORK STATE POLICE at (845) 782-8311 or email [Crimetip@troopers.ny.gov](mailto:Crimetip@troopers.ny.gov).  
PLEASE DO NOT POST TIPS HERE ON FACEBOOK.

CONFIDENTIAL



# FBI: Internet Crime Report



**\$4.2 BILLION**  
total victim losses



**+180%** increase in  
losses due to cybercrime  
over the past 5 years

Source:

FBI: Internet Crime Report 2020, March 2021

2016

2017

2018

2019

2020

## Crime types by victim loss



**Business Email  
Compromise**  
\$1,866,642,107



**Extortion**  
\$70,935,939



**Corporate  
Data Breach**  
\$128,916,648



**Phishing**  
\$54,241,075



**Ransomware**  
\$29,157,405

# Controlled Substances -

## 1. Drugs

- Possession, distribution, or sale of certain drugs may violate a federal or state law.
- It is a crime not only to sell or possess drugs, but also to give them away.

## 2. Alcohol

- Sobriety checkpoints- random to check for drunk drivers.
- Bartenders/Owners can be convicted of selling to minors or intoxicated individuals.



2min



<https://www.youtube.com/watch?v=6W5-af2sYcA>

2min

# Sentencing Convicted Criminals

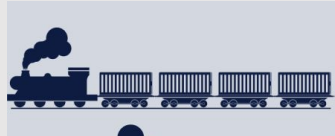
Fines, probation, treatment, community service, imprisonment, death

Imprisonment terms:

Indefinite: (i.e. 8-25 years) vs

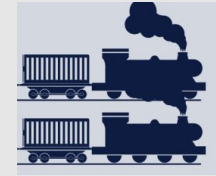
Definite: (i.e. 15 years)

Consecutive



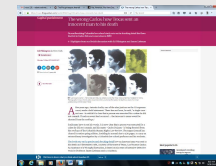
vs

Concurrent



The **death penalty** (must include the following 3 phases):

1. originally determined guilty by a jury
2. pre-sentence hearing: lawyers present arguments and other evidence... "should the death penalty be used"
3. automatic appeal to the state's highest court



<http://abcnews.go.com/Archives/video/sept-14-2000-death-penalty-debate-14519363>

<https://www.youtube.com/watch?v=Gx-OiTL23fQ>

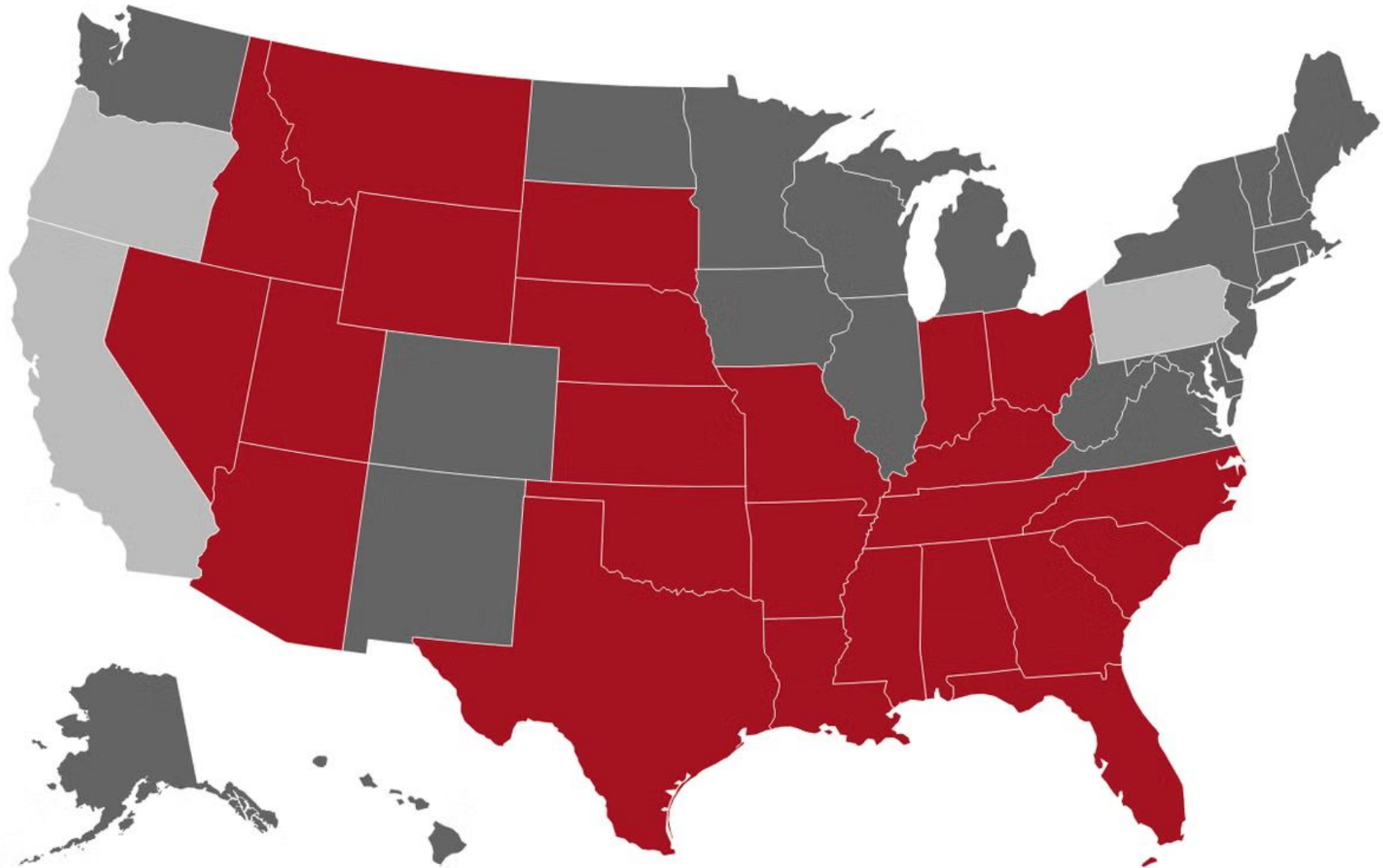
innocent man  
put to death



# The death penalty across the US

Nearly half of all US states have maintained the death penalty as legal punishment for certain crimes.

■ Moratorium on death penalty ■ States with death penalty ■ States without death penalty



The federal death penalty applies in all states and territories for a limited set of crimes.

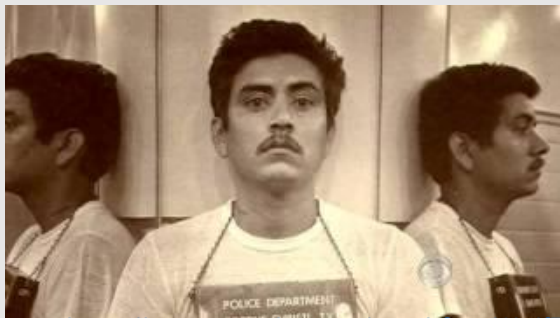
Map: Alex Woodward • Source: Death Penalty Information Center

# FAQ: Has an innocent person been put to death?

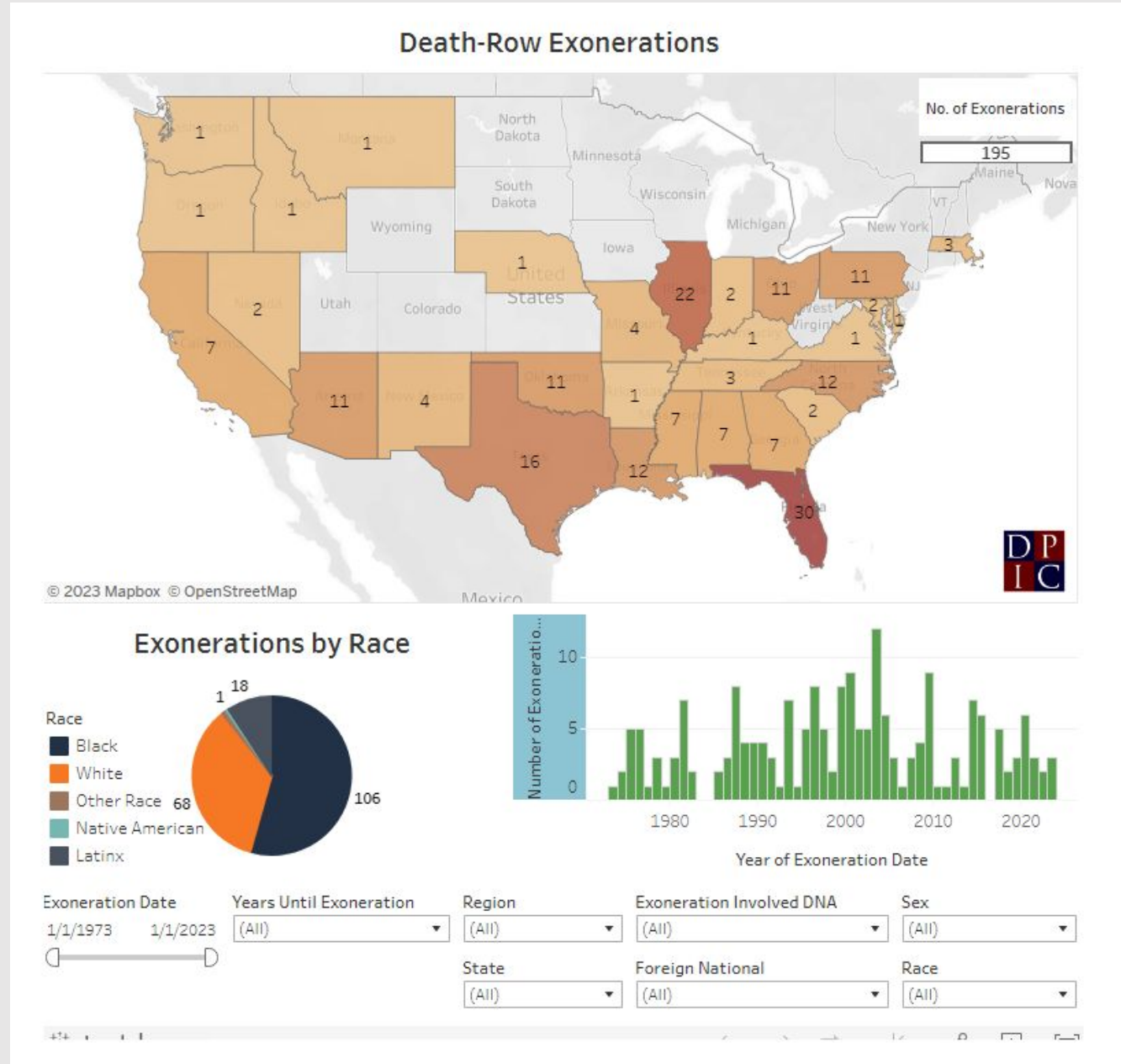
Since 1973, 195 former death-row prisoners have been exonerated of all charges related to the wrongful convictions that had put them on death row. (Innocence Project)



9min PBS - Carlos DeLuna



3min CBS - Carlos DeLuna



# EYEWITNESS TESTIMONY

It IS relied on...  
Is it RELIABLE?





## FAQs

<https://www.nycourts.gov/courthelp/GoingToCourt/SOLchart.shtml>

Statute of limitations

[http://ypdcrime.com/penal.law/felony\\_sentences.htm](http://ypdcrime.com/penal.law/felony_sentences.htm)

<https://www.criminaldefenselawyer.com/resources/new-york-misdemeanor-crimes-class-and-sentences.htm>

Sentencing Felonies

Sentencing Misdemeanors

## Attachments

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Ch3\_Anchorman\_Baxter is Punted Scene.wmv

Ch03 InsanityDefenseInfo\_3min.wmv

Ch03-StingOperationBuyingBeer\_2009\_5min.wmv

Ch3\_Home Alone Funny Compilation.wmv

Ch3\_New York Bodega Police Accidentally Shoot Victim.wmv

Ch3-BurglaryOnCam.wmv

Ch3 LAPD\_-\_Subway\_Robbery.wmv

Ch3 - Extortion David Letterman.wmv

Ch3-UsingKidsToShoplift\_2min.wmv