

Early one morning, a husband and wife were walking through an empty parking garage toward their sports car. As they neared the car, a man carrying a crowbar jumped out from behind the car and yelled, "Give me all of your jewelry and your money, or else I will beat your car to a pulp!" The husband and wife handed their jewelry and money to the man, and the man quickly departed. The man was later found and arrested for robbery.

Is the man likely guilty of robbery?

- A. No, because a taking by intimidation alone is insufficient to support a robbery conviction.
- B. No, because the man only threatened to damage the car.
- C. Yes, because the husband and wife had a reasonable apprehension of property damage.
- D. Yes, because the man specifically intended to deprive the husband and wife of the money and jewelry.

## Explanation:

### Robbery

(larceny by force v. intimidation)

**Force** Use of more force than necessary to acquire property or retain the property immediately thereafter

**Intimidation** Threat that places victim in reasonable apprehension of immediate death or serious physical injury to victim, close family member, or person present

**Robbery** requires proof of three elements:

The defendant committed larceny—ie, a trespassory taking and carrying away of a victim's personal property with the specific intent to steal.

The property was taken from the victim's person or in the victim's presence.

The taking was accomplished by **force** or intimidation.

A **taking by intimidation** occurs when there is an **immediate threat of death or serious physical injury** to the victim, a close family member, or another person present. But a **threat to damage or destroy property** (as seen here), other than the victim's home, is **not sufficient**. Therefore, the man likely is not guilty of robbery.

**(Choice A)** A taking by intimidation alone *is* sufficient to support a robbery conviction. But that intimidation must come in the form of an immediate threat of death or serious physical injury to the victim, a close family member, or another person present (not seen here).

**(Choice C)** The husband and wife may have had a reasonable apprehension of property damage. But that is insufficient to support a robbery conviction.

**(Choice D)** The man did specifically intend to permanently deprive the husband and wife of the money and jewelry. But since the taking was accomplished by a threat of damage to the couple's car, the man is not likely to be convicted of robbery.

### Educational objective:

For robbery, a taking by intimidation occurs when there is an immediate threat of death or serious physical injury to the victim, a close family member, or another person present. But a threat to damage or destroy property, other than the victim's home, is not sufficient.