

A woman asked her neighbor if he would loan her \$500, promising to repay the amount within two weeks. The neighbor loaned her the \$500. The next day the woman took the money to the race track and lost all of it betting on horse races. She then left town for six months. She has not repaid the neighbor.

Which of the following crimes has the woman committed?

- A. Both larceny by trick and obtaining money by false pretenses (although she can only be convicted of one offense).
- B. Larceny by trick only.
- C. Obtaining money by false pretenses only.
- D. Neither larceny by trick nor obtaining money by false pretenses.

Explanation:

A person who **knowingly misrepresents** a past or present material fact with the **intent to defraud** commits either:

larceny by trick – if the person thereby **obtains only possession** of another's property *or* **false pretenses** – if the person thereby **obtains title** to another's property.

Here, the woman did not commit larceny by trick since she obtained *title* to (not mere possession of) the neighbor's money when she failed to repay his loan as promised **(Choices A & B)**. And she did not commit false pretenses since there is no indication that she knowingly misrepresented her ability to repay the loan or intended to defraud the neighbor **(Choice C)**.

Educational objective:

False pretenses differs from larceny by trick in that false pretenses requires that a person obtain title to—not mere possession of—another's property.

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Distinguishing property crimes

