

While browsing in a clothing store, an actress decided to take a purse without paying for it. She placed the purse under her coat and took a couple of steps toward the exit. She then realized that a sensor tag on the purse would set off an alarm. She placed the purse near the counter from which she had removed it.

Which crime, if any, has the actress committed?

- A. No crime, because the purse was never removed from the store.
- B. No crime, because she withdrew from her criminal enterprise.
- C. Only attempted larceny, because she intended to take the purse out of the store.
- D. Larceny, because she took the purse from its original location and concealed it with the intent to steal.

Explanation:

Larceny is committed once a person (1) unlawfully takes and **carries away** another's personal property (2) with the specific intent to permanently deprive that person of his/her interest in the property. Carrying away (ie, asportation) occurs when property is **moved even a short distance** (eg, mere inches). And some jurisdictions only require that the property be brought under a person's dominion and control—no physical movement of the property is required.

Here, the actress decided to take a purse without paying for it (specific intent). As a result, she removed the purse from the counter (unlawful taking) and concealed it under her coat (carrying away). Therefore, she committed larceny—even though the purse was never removed from the store **(Choice A)**.

(Choice B) Withdrawal (ie, abandonment) occurs when a person completely and voluntarily turns away from a crime before completing it. However, this defense only applies to *attempted* crimes and is not recognized in most jurisdictions. And since the actress *completed* the larceny once she concealed the purse, it is no defense here.

(Choice C) Attempt occurs when a defendant (1) has the specific intent to commit a crime, (2) commits an **act** in furtherance of that crime, but (3) does not complete it. Here, the actress will be convicted of larceny—not merely attempted larceny—since she *did* complete the crime.

Educational objective:

Larceny requires the carrying away (ie, asportation) of another's personal property. This occurs when the defendant moves the property a slight amount (majority rule) or brings the property under his/her dominion and control (minority rule).

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