

PEOPLE OF THE STATE OF MICHIGAN, Plaintiff.

vs.

SLOAN JACKSON, Defendant.

TYPE OF CASE

Criminal Charge: "Shoplifting"
Jury Trial
Circuit Court [State Court]

NATURE OF LEGAL CLAIMS

The prosecution has charged defendant with the felony of larceny in a building, in this case, stealing from a store. The crime is now called retail fraud. See Comments, below. The defendant claims s/he is not guilty of the charge.

SUMMARY OF FACTS

Defendant Sloan Jackson, 18, was browsing in a clothing store in the Merchandise Mall. According to Pat Ferguson, a sales clerk, Jackson put something under his/her coat and then ran out when Ferguson confronted him/her.

Ferguson immediately enlisted mall security (Bobby Klink) to pursue defendant. Klink found him/her seated near a yogurt stand in the Mall. When Klink approached, defendant ran off, but was apprehended. However, defendant did not possess any goods from the store.

A shirt, missing from the store, was found later in a mall trash barrel near the yogurt stand. Ferguson says that shirt was the color of the thing Jackson placed under his/her coat.

Defendant says s/he took nothing and left quickly to go to a record sale. Defense witness Toby Patton, a friend of defendant, corroborates defendant's claims.

LIST OF MATERIALS

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Stipulations, p. 2
Statement of Pat Ferguson [Prosecution Witness], p. 3
Statement of Bobby Klink [Prosecution Witness], p. 4
Statement of Sloan Jackson [Defendant], p. 5
Statement of Toby Patton [Defense Witness], p. 6
Exhibit 1, Store Floor Plan, p. 7

COMMENTS AND SUGGESTIONS

It is probably better not to add any other witnesses.

Good simple case. Although the law does not require the thief to be caught with the goods, the prosecutor still can have trouble with the burden of proof.

The law has changed. The charge now would be called First Degree Retail Fraud, which is a "misdemeanor," punishable by up to 2 years imprisonment. (Michigan Penal Code 356c.)

**IN THE STATE OF MICHIGAN
IN THE EIGHTY-SIXTH CIRCUIT COURT**

**PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff.**

vs.

Case No. 85 - 33

**SLOAN JACKSON,
Defendant.**

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RULES OF LAW

1. Larceny in a building is a felony punishable by imprisonment in the state prison for up to 4 years and a fine of up to \$2,000, or both. (Michigan Penal Code Section 360)

2. If a defendant is found guilty, his or her sentence would be determined by the judge alone, at a separate hearing after the trial. At the trial, the only issue for the jury is whether the defendant is guilty or not guilty.

3. To find the defendant guilty of larceny in a building, the jury must find beyond a reasonable doubt each of the following:

(a) That defendant took possession of the shirt.

(b) That the taking was in a store.

(c) That defendant carried the shirt away. However, defendant need not have kept the shirt.

(d) That the taking was without the consent of the owner of the shirt.

(e) That the taking and carrying away was done with the intention to steal --- that is that at the time, defendant had the intention to permanently deprive the owner of it.

4. A conviction can rest on circumstantial evidence, as well as direct evidence, or a combination of the two. Guilt must be proven beyond a reasonable doubt.

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STIPULATIONS

1. All statements were made on December 3, 1985, to Dick Tracy, an investigator employed by the County Prosecutor for Zilwaukee County.
2. The attached diagram is an accurate representation of the Famous Fashions' store at Merchandise Mall on November 29, 1985.
3. The statement which the security guard claims defendant made to him/her is not inadmissible under Miranda v. Arizona (See Grand Rapids v. Impens 414 Mich. 667 (1982).)