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Business Law 1122
Homework: 3

I. Milmur, at age seventeen, wrote a computer program creating a worm that took over thousands of computers. A computer security analyst called it "the most advanced worm yet." It disrupted commerce and people's lives. Milmur agreed to plead guilty to a federal charge of unauthorized access to a computer to further a fraud since he used the program to steal credit card information and defraud people nationwide. Friends and family urged the judge to be lenient in his sentencing, claiming he was a brilliant computer programmer who had the skills to help the country defend itself against the growing threat of cyber terrorism. If you were the judge would you exercise leniency in your sentencing?

I would not exercise leniency in my sentencing because what the kid did is still a crime. I wouldn't go overboard and send him away for life so I'd make sure the punishment fit the crime.

II. Rines was a married man with three young children. Carter, an acquaintance of Rines, had seen Kim, a young college professor, and Rines together on several occasions at various social functions. One evening, Carter followed them to a hotel and discovered that they had checked into the same room. Under the pretext of being a bellhop with a message, Carter went to the room and photographed the couple, partially dressed. Carter then sent the photo to Rines at his place of business with a note threatening to also send a picture to Rines's wife unless he was paid \$10,000 in cash. Rines was to place the money in an envelope and leave the envelope in Carter's PO box at the main post office within one week. Rines notified the police and then followed Carter's instructions. Carter picked up the money at the post office and was immediately arrested. With what crime will Carter be charged?

Carter will be charged with extortion because he was trying to obtain money by threatening Rines.

III. The Best Cab Company was hired by the county's Department of Social Services to take many of its Medicaid clients to various locations in a large city. Social Services was then billed for all the transportation costs. Following an audit of Social Services records, the cab company was indicted by a grand jury on the following charges: inflating mileage, overstating fares and charging higher individual rates for group rides, charging two-way fares for one-way trips, and charging different rates for identical trips. What crime (or crimes) did the cab company commit?

The Best Cab Company committed the crime of larceny because they would intentionally take their customers' money. Embezzlement is another crime they committed because they unlawfully took their customers' money even though it was technically their job.

IV. Police officer Ron Schmurtz pulled a car over to the side of the road for making an illegal U-turn. When he approached the car, he discovered five teenage boys. The officer looked the vehicle over but had no reason to be suspicious about any criminal activity taking place in or around the vehicle. However, because the driver and his passengers were teenagers, he felt that they used drugs. Consequently, he ordered them all out of the car, searched the car's interior, and discovered some illegal drugs. Schmurtz then placed all the teenagers under arrest. Was the search that Schmurtz conducted legal?

The search that Schmurtz conducted wasn't legal because he had no reason to be suspicious. What he should've done was give them their ticket and let the people go.

V. How can a police officer determine whether a driver is "under the influence"?

A police officer can make the driver take a breathalyzer test, ask the driver to walk in a straight line, notice if the driver is having a hard time speaking, and ask the driver to touch their nose with their finger.

VI. Furman was driving her truck down Main Street in her hometown without wearing a seat belt. A police officer observed the seatbelt violation, pulled Furman over, placed her in his squad car, and drove her to the local police station, where she was made to remove her shoes and jewelry and empty her pockets. Officers took her mug shot and placed her alone in a jail cell for about an hour, after which she was taken before a judge and released on bond. She was charged with violating the seatbelt law, a misdemeanor. She pleaded no contest to the seatbelt misdemeanor and paid a \$100 fine. Furman then filed suit, alleging that the actions of the town, the judge, and the police violated her Fourth Amendment right to be free from unreasonable seizure. She contended that rules forbade police officers to make warrantless misdemeanor arrests except in cases of breach of the peace tending toward violence. Is Furman correct?

Furman is correct because what the police did to her was wrong in so many ways. All the police officers had to do was give her a ticket and let her go. Arresting her was not necessary because she wasn't interrupting the peace.

VII. Walkman, a student at Banes College, stole several new football helmets from the college sports locker room. He sold the helmets for a very low price to Favor, the owner of a local sporting goods store. After reading an article in the newspaper about the theft, the owner of the store was quite sure the helmets he purchased from Walkman were the ones that had been stolen. Nevertheless, he did not notify either the police or the appropriate college personnel that he had bought the helmets. Instead, he marked them for sale at a special price and placed them on a shelf with other football gear. Although he paid Walkman for the football helmets, is Favor liable for the commission of any crime? Is Walkman? Explain.

Favor is liable for possessing stolen goods even if he bought them off someone. Walkman is liable for theft and larceny because he didn't use force to take the helmets, but had intention of getting money by selling them.

VIII. Furenya was employed as the manager of a state-controlled betting parlor, the Off Track Betting Corporation. One of her responsibilities was to deposit the daily receipts of money in a local bank. Because she was heavily in debt, Furenya devised a way to take \$300 from each deposit to pay her personal creditors. She continued this practice for over a year until the state auditors made a surprise check of the betting parlor's accounting records. When a shortage was discovered and traced to Furenya, she was arrested. With what crime could she be charged?

Furenya could be charged with embezzlement because she didn't force the money from anyone. It was her job to handle the money so she was technically given the money, but she took some of it for her own expenses.

IX. Evans, an unlicensed financial planner, met with Ann Gilmore, a prospective investor, to review her investment portfolio and to recommend a placement for the \$100,000 that Gilmore recently inherited. He recommended that she invest \$100,000 in certain mutual funds. She agreed and made out a check to Evans as he requested. In turn, he agreed to invest the money in the mutual fund company and send the company the \$100,000. Evans never intended to invest the money. Instead, he used the money personally to pay bills and to purchase a new car. What crime has Evans committed? Explain.

Evans committed the crime of obtaining money by using false pretenses. He lied to Gilmore about what he was going to do with her money. Gilmore was tricked into think the money was going for something else.

X. A police officer on routine patrol in her police car at about 3 A.M. received a call over the police radio describing a burglary in progress at a pizza parlor in her patrol zone. When she arrived at the pizza parlor, a short distance from where she received the call, she spotted a person who was getting into a car parked next to the pizza parlor. If the police officer

wished to make an arrest in the belief that this person had committed the robbery, what would be the basis for the arrest? If the police officer wished to make an arrest in the belief that this person had committed the robbery, the basis for the arrest would be probable cause. The time is 3 A.M. so there's no reason for a guy to be near a pizza place at that time. That would make him an instant suspect for the burglary.

Cases for Review

I. Grant was correct because the police officers had no warrant to check his car. It also doesn't state if Grant was read his Miranda rights which puts this in Grant's favor.

II. I don't believe the appeals court should uphold Cate's conviction because she was told several times that she didn't have to speak. Cate is the one that decided to talk and police officers even let her know that this could potentially be used against her.

III. Walton could be found guilty of obtaining money using false pretences. He told Marlowe he was gonna do one thing with her money, but ended up doing something totally different.

IV. The insurance proceeds obtained by Russello are subject to forfeiture under the criminal RICO statute. Russello was doing a money laundering scheme with the money he got from the burned buildings.

V. Johnson was correct because the only things he did wrong that day were not following a state statute and driving with a suspended license. He should've gotten a ticket and be let go instead of being searched.

VI. The defense of entrapment is not valid in this case because Bower would've sold the cocaine to anyone else had it not been an undercover cop.

VII. Making a printout of secret information taken from another's computer doesn't constitute theft because it was still stolen information .

VIII. The crime that Dixon and Hinton committed was extortion because they used their position in their company to threaten the other company into giving them a 10% pay raise .

IX. Simons wasn't correct because the police had a warrant to check his computer. If they didn't have a warrant it would be a totally different ball game, but they had one and it allowed them to use whatever information they could find on his computer.