

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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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.**

_____ /

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).)

STATEMENT OF PAT FERGUSON [PROSECUTION WITNESS]

I, Pat Ferguson, state:

I am a sales clerk at Famous Fashions, a retail store located in Merchandise Mall, in Huron City, Michigan, where I have been employed for one and a half years. I am 21 years old. The store specializes in casual clothes for teens and young adults.

On November 29, 1985, I began work at 9:30 a.m. At that time, as part of my routine duties, I made sure the stock was in its proper place and straightened it up. I remember that the shirt that was later stolen was on the rack that morning. We only had one of that style. November 29 was the day after Thanksgiving and it was extremely crowded that day. We had a lot of customers and the mall was very full of people.

About noon, while we were very busy, I happened to see a person in a powder blue coat near the rack where the shirt was. I was at the cash register, about 20 feet away. A person in a bright yellow coat was also right there. I later found out that the person in blue was Sloan Jackson. I think they had come in together a short time earlier. Because there were other customers, I didn't have a clear view. I saw Jackson put something, which was exactly the same color as the stolen shirt, under that powder blue coat.

At that point I said, "What have you got there?" As soon as I said that, Jackson started running - ran by me, nearly bumping me, and ran out of the store and into the crowded mall, with an arm over a bulge in the coat. I yelled to a guard in the mall "Stop that person in blue!" The guard then chased after Jackson. I think the person in yellow must have slipped out in the commotion, because a minute later that person was gone.

The guard later brought Sloan Jackson back and later still showed me the shirt which had been found in a trash barrel in the mall. It was the same shirt I saw on the rack that morning. I worked at the cash register continuously from 9:30 a.m. when we opened for business until the incident. I am certain no one bought that shirt.

I have read the above statement and it is true.

Dated: _____

Pat Ferguson

STATEMENT OF BOBBY KLINK [PROSECUTION WITNESS]

I, Bobby Klink, state:

I am a security guard, employed by Merchandise Mall. I am 23 years old. At about noon on November 29, 1985, I was on duty outside Famous Fashions when I heard someone shout "Catch that person in blue! That person stole something!" I turned and saw a person in a blue coat, about 30 feet from me, going out of Famous Fashions, walking very quickly. I later found out that that person's name is Sloan Jackson. Jackson slipped into a crowd in the central mall area. I followed, but lost sight of Jackson. The direction Jackson was traveling would lead to Record Mart, the frozen yogurt stand, and 15 other shops as well.

I saw Jackson again 5 minutes later by the frozen yogurt stand, sitting down and holding the blue coat with only the tan lining showing. As soon as I came into view, Jackson started to run from me. I called to a nearby guard who grabbed Jackson for me. Jackson then said to me, "I didn't do anything!" I said "Then why did you run out of Famous Fashions?" Jackson replied, "I wasn't even in Famous Fashions." The other guard and I then immediately took Jackson back to Famous Fashions where Pat Ferguson identified Jackson as the one who took something and ran out.

Next, I left Jackson in the custody of the other guard and checked each of the trash barrels between Famous Fashions and the yogurt stand. In the trash barrel next to the yogurt stand I found a shirt which was later identified by Pat Ferguson as stolen from the store.

There was big sale at Record Mart that day, and that store was especially crowded.

Dated: _____

Bobby Klink

STATEMENT OF SLOAN JACKSON [DEFENDANT]

I, Sloan Jackson, state:

On November 29, 1985, I was shopping at Famous Fashions at Merchandise Mall when my friend Toby patton came in. I had been looking at shirts for myself. Toby told me there was a "three records for the price of two" sale for any records in stock at Record Mart. Toby also said they were going fast. I got very excited because there were some records I really wanted. I immediately hurried out of the store and over to Record Mart.

When I got to Record Mart, it was so crowded, I could see that it wasn't going to be worth the battle, so I never went in. I got warm, so I took off my coat. Then I sat down on a bench near the frozen yogurt stand. Then a guard came at me. I got scared and tried to run away. Another guard grabbed me and they both took me back to Famous Fashions. I didn't know anything about anyone taking a shirt from that store until they accused me of it.

I am 18 years old and a high school senior at Huron High.

Dated: _____

Sloan Jackson

STATEMENT OF TOBY PATTON [DEFENSE WITNESS]

I, Toby Patton, state:

On November 29, 1985, I was shopping at Merchandise Mall. There was a sale at Record Mart but I didn't buy any records.

Afterward, I went into Famous Fashions where I ran into Sloan Jackson, who is a friend. Sloan was apparently browsing for clothes. I started to do the same and I happened to mention the sale at Record Mart. Sloan got excited and suddenly ran out. The cashier started shouting something as Sloan was leaving. I didn't understand why the cashier was shouting.

I left right afterwards and went home. I was wearing a bright yellow coat that day.

I don't think Sloan took any clothing or that there was anything hidden under Sloan's coat that day. I was on the opposite side of the clothes rack when all this happened, so it is possible Sloan took a shirt without my knowing it, but I'm sure Sloan did not.

I am 18 years old and a junior at Huron High School. I have known Sloan Jackson 10 years.

Dated: _____

Toby Patton

EXHIBIT 1

