

State of Utah v. George Howard
Mock Trial Scenario

Utah Criminal Code Chapter 6 Offenses against property Part 4 Theft

Section 76-6-408 Receiving stolen property

(2) A person commits theft if the person receives, retains, or disposes of the property of another knowing that the property is stolen, or believing that the property is probably stolen, or who conceals, sells, withholds, or aids in concealing, selling, or withholding the property from the owner, knowing or believing the property to be stolen, intending to deprive the owner of the property.

This is typically charged as a second-degree felony.

Scenario

Like most high school students, George Howard is looking for a nice car that, in addition to getting him to and from school and work, will hopefully improve his popularity. He is a senior in high school. He has been fascinated by cars all his life and knows a lot about them. He reads many car magazines and works on cars in his spare time.

George has just sold his old car and is looking for a good deal on a used car. He needs a car to get him to school (no senior wants to be stuck riding the bus) and to his part-time work. In addition, he hopes to find a nice car to impress his girlfriend. One day, at a local fast food restaurant, George is talking about cars with his friends. He mentions the types of cars that interest him. As he is leaving to go home, a man who overheard the conversation stops George and says that he might have a car for him. It's George's dream car. The man introduces himself as Bill Smith. He is well dressed and looks respectable. Mr. Smith gives George his number and an address where the car is located. Although he is not sure that he can afford it, the next day, George takes a look at the car; it is exactly what he wanted. Mr. Smith said that he is asking only \$2,500 for it. He also said that, he realizes that this price is low, it being a new car and all, but his wife and he had recently had some financial difficulties. Mr. Smith states that he bought the car with cash just six months ago but because of his financial reversals needs to sell it for whatever he can get. George has about \$4,000 saved up from his job and the sale of his old car. He also knows that the blue-book value on this car is at least \$20,000. George takes a quick look at the car and determines that there is nothing wrong with it. It is an offer he simply cannot refuse.

George cannot believe his luck, but he has a feeling that there is something suspicious about this deal. Things just seem too good to be true. In the back of his mind, George wonders if the car might be stolen. However, it is so nice and so cool, and he knows his girlfriend will love it. Against his better judgment, he decides to buy it. After all, he knows that few stolen cars are

ever recovered. George tells Mr. Smith that he'll take it. Mr. Smith gives him papers that appear to be registration papers and signs the car over to him. George gives Mr. Smith the \$2,500 and drives away. Nevertheless, in the back of his mind, George has some reservations about what he has done. He thinks that it must be illegal to receive stolen property and, knowing what he knows about cars, he has strong suspicions that this car may have been stolen.

That night, George shows the car to his girlfriend and the two go to the movies to celebrate. Two weeks later, they do the same thing. Trying to impress her, George speeds down the road. They are clocked by a state trooper as doing 70 in a 45 mile-per-hour zone and are pulled over. When the officer approaches the car, he looks at it suspiciously. He types something in on his computer. At this point, George begins to fidget in his seat. He wonders if the car really is stolen and if the police knows that it is. The next minute, the officer asks George to come to the police barracks for some questioning. The date is over.

Originally, the police think that George stole the car. Later, they realize that he didn't. However, they begin to consider charging him with receiving stolen property. He is informed that the State's Attorney General is opening an investigation into this matter. George is then released to the custody of his parents; he has yet to be charged with any crime.

George learns that Mr. Smith was the alias of a well-known car thief named Robert Sanders. Sanders was arrested by federal agents only a few hours after George had bought the car from him. In hopes of receiving a milder sentence, he confessed to stealing many cars in a nearby state and selling them in Utah. The car that George bought was one such car. In fact, George's car was one that Sanders admitted to carjacking in Nevada and driving it into Utah. Later, George finds out that the State will be pursuing charges against him! George's car has been confiscated, and he finds that he could be facing up to a \$10,000 fine and/or up to ten years in prison. The case is *State of Utah v. George Howard*.