

# Index

## **ABDUCTION**

- Child abduction. Kidnapping (this index)
- Prostitution (this index)
- Rape, abduction and, § 7:7

## **ACCESSORIES AND ACCOMPLICES**

- Aiding and Abetting (this index)
- Drug Offenses (this index)
- Principals, Accomplices, and Accessories (this index)

## **ACCOUNTS**

- Public officers, falsification, § 13:131

## **ACT OR OMISSION**

- Generally, §§ 1:8 to 1:12, 1:18
- Affirmative acts, § 1:8
- Culpable omissions, § 1:9
- Defendant's status or condition, § 1:11
- Involuntary acts, § 1:10
- Unity of act and intent, § 1:18
- Vicarious liability, § 1:12

## **ADOPTION**

- Child abduction pending adoption, § 6:78

## **AFFIDAVITS**

- Perjury (this index)

## **AGE**

- Mistake of fact defense in cases involving underage persons, § 4:12

## **AGENTS**

- False statements, §§ 9:20, 9:21
- Imputed liability. Corporate Criminality (this index)

## **AIDING AND ABETTING**

- Drug offenses, § 11:29
- Embezzlement, § 8:31
- Escape, § 13:111

## **AIDING AND ABETTING**

### **—Cont'd**

- Felony murder, second degree, § 5:37
- Gang Crimes and STEP Act (this index)
- Principal and aider and abettor, no distinction between, § 3:2
- Termination of liability, § 3:7

## **AIR POLLUTION VIOLATIONS**

- Generally, § 10:53

## **ALCOHOL**

- Driving Under the Influence (this index)
- Public intoxication, § 11:80

## **ALIBIS**

- Generally, §§ 4:55 to 4:61
- Appeal of trier of fact's determination, § 4:59
- Burden of proof
  - generally, §§ 4:56 to 4:59
  - appeal of trier of fact's determination, § 4:59
  - general defense, § 4:56
  - reasonable doubt, raising, § 4:57
  - triable issue of fact, § 4:58
- Definition, § 4:55
- Function, § 4:55
- Notice of alibi
  - current rule, § 4:61
  - old practice, § 4:60
- Reasonable doubt, raising, § 4:57
- Triable issue of fact, § 4:58

## **ANIMALS**

- Sexually assaulting, § 7:53

## **ANTITRUST VIOLATIONS**

- Generally, §§ 9:36 to 9:57
- Bid rigging, § 9:42
- Cartwright Act
  - background, § 9:36

## ANTITRUST VIOLATIONS

### —Cont'd

Cartwright Act—Cont'd  
 criminal prosecutions, § 9:37  
 Concerted action requirement  
   generally, §§ 9:39, 9:40  
   conspiratorial rather than unilateral conduct, § 9:39  
   no overt act requirement, § 9:40  
 Conscious parallelism, § 9:52  
 Conspiracy or combination, proof of, § 9:49  
 Defenses  
   generally, §§ 9:50 to 9:57  
   attempts to influence government action, § 9:56  
   collusive conduct requirement, § 9:50  
   conscious parallelism, § 9:52  
   economic evidence, use of, § 9:53  
   nature of relationship between parties, § 9:51  
   preemption, § 9:55  
   statute of limitations, § 9:54  
   statutory exemptions, § 9:57  
 Economic evidence, use of, § 9:53  
 Evidentiary issues  
   conspiracy or combination, proof of, § 9:49  
   defendant's state of mind, proof of, § 9:48  
 Exemptions, statutory, § 9:57  
 Federal antitrust law, applying, § 9:38  
 Government action, attempts to influence, § 9:56  
 Group boycott behavior, § 9:45  
 Horizontal market division, § 9:43  
 Horizontal price fixing, § 9:42  
 Per se and rule of reason doctrines, § 9:41  
 Preemption, § 9:55  
 Price communication, § 9:47  
 Prohibited practices  
   generally, §§ 9:41 to 9:47  
   group boycott behavior, § 9:45  
   horizontal market division, § 9:43

## ANTITRUST VIOLATIONS

### —Cont'd

Prohibited practices—Cont'd  
   horizontal price fixing and bid rigging, § 9:42  
   per se and rule of reason doctrines, § 9:41  
   price communication, § 9:47  
   tying arrangements, § 9:46  
   vertical price fixing, § 9:44  
 State of mind, proof of, § 9:48  
 Statute of limitations defense, § 9:54  
 Tying arrangements, § 9:46  
 Vertical price fixing, § 9:44

## APPELLATE REVIEW

Alibi, appeal of trier of fact's determination, § 4:59

## APPRENDI REVOLUTION

Generally, § 1:4

## APPROPRIATION

Public officers, misappropriation, § 13:131

## ARREST

Evading arrest, § 13:120  
 Kidnapping, lawful arrest as affirmative defense, § 6:68  
 Resisting arrest  
   generally, §§ 13:121 to 13:124  
   defenses, § 13:124  
   force, use of, § 13:123  
   lesser included offense, § 6:29  
   non-violent resistance, § 13:122  
 Unlawful arrest or excessive force used to arrest, defense to assault and battery, § 6:29

## ARSON

Generally, §§ 6:106 to 6:126  
 Aggravated arson  
   defined, § 6:108  
   punishment, § 6:122  
 Attempted arson  
   defined, § 6:109  
   punishment, § 6:123  
 Burning element, § 6:111  
 Corpus delicti, § 2:20

## INDEX

### ARSON—Cont'd

#### Definitions

- aggravated arson, § 6:108
- arson, § 6:107
- attempted arson, § 6:109
- willfully, maliciously, and recklessly, § 6:114

#### Elements of offense

- generally, §§ 6:110 to 6:117
- burning, § 6:111
- incendiary origins, § 6:116
- intent, § 6:114
- motive, relevance of, § 6:117
- structure or property, §§ 6:112, 6:113

#### Firebomb, manufacture or disposal

- generally, § 6:120
- punishment, § 6:126

#### Flammable, explosive, or combustible substance or device, possession of

- generally, § 6:119
- punishment, § 6:125

#### General intent, § 6:115

#### Incendiary origins, § 6:116

#### Inhabited structure or property, § 6:112

#### Intent

- generally, § 6:114
- general intent, § 6:115
- willfully, maliciously, and recklessly defined, § 6:114

#### Maliciously defined, § 6:114

#### Motive, relevance of, § 6:117

#### Punishment

- generally, §§ 6:121 to 6:126
- aggravated arson, § 6:122
- arson, § 6:121
- attempted arson, § 6:123
- flammable, explosive, or combustible substance or device, possession of, § 6:125
- unlawfully causing fire, § 6:124

#### Recklessly defined, § 6:114

#### Structure or property

- generally, §§ 6:112, 6:113
- inhabited, § 6:112
- other person's structure or property, § 6:113

### ARSON—Cont'd

#### Unlawfully causing fire

- generally, § 6:118
- punishment, § 6:124
- Willfully defined, § 6:114

### ASBESTOS

#### Asbestos-related criminal sanctions, § 10:13

### ASSAULT AND BATTERY

#### Generally, §§ 6:1 to 6:126

#### Assault

- generally, §§ 6:2 to 6:15
- aggravated assault by prisoner, §§ 13:113, 13:114
- attempted assault, § 6:15
- battery and mayhem during riot, prisoners, § 13:119
- certain felonies, assault with intent to commit, § 6:5
- Deadly weapon use, below
- Defenses, below
- force likely to cause great bodily injury, § 6:9
- general intent crime, § 6:2
- generic assault, § 6:3
- non-consensual sex with spouse or another, § 7:7
- officer under color of authority, § 6:14
- Prisoners (this index)
- public officer, assault against, § 6:4
- public park, assault in, § 6:11
- rape, assault with intent to commit, §§ 6:5, 7:8
- school property, assault on, § 6:11
- sexual assault. Sexual Offenses (this index)
- stun gun, use of, § 6:10
- taser, use of, § 6:10

#### Attempts

- assault, § 6:15

#### Battery, below

#### Battery

- generally, §§ 6:16 to 6:24
- attempted battery
- generally, §§ 6:23, 6:24

## ASSAULT AND BATTERY

### —Cont'd

Battery—Cont'd  
 attempted battery—Cont'd  
   intent and connection to  
     assault, § 6:23  
   present ability requirement,  
     § 6:24  
   custodial officer, battery on,  
     § 13:112  
 Defenses, below  
 defined, § 6:16  
 gassing, battery and aggravated  
   battery by, § 13:115  
 hospital grounds, battery on,  
   § 6:22  
 mayhem, assault during riot,  
   prisoners, § 13:119  
 park property, battery on, § 6:22  
 public officer, battery against,  
   § 6:21  
   school property or against  
     school employee, § 6:20  
   serious bodily injury, § 6:18  
   sexual battery, § 6:19  
 Chemicals, use of, § 6:41  
 Children, injuries to, § 6:38  
 Consent defense, § 6:33  
 Convict, assault by. Prisoners (this  
   index)  
 Deadly weapon or force likely to  
   produce great bodily injury,  
   use of  
     generally, §§ 6:6 to 6:15  
     attempted assault, § 6:15  
     deadly weapon, § 6:7  
     firearm as deadly weapon, § 6:8  
     force likely to cause great  
       bodily injury, § 6:9  
     greater penalties, § 6:6  
     officer under color of authority,  
       § 6:14  
     public park, assault in, § 6:11  
     school property, assault on,  
       § 6:11  
     stun gun, use of, § 6:10  
     taser, use of, § 6:10  
 Defenses  
   consent, § 6:33  
   impervious defense, § 6:34

## ASSAULT AND BATTERY

### —Cont'd

Defenses—Cont'd  
 intoxication, §§ 6:31, 6:32  
 others, defense of, § 6:30  
 provocation, § 6:35  
 self-defense  
   generally, §§ 6:28, 6:29  
   situations in which defense  
     available, § 6:28  
   unlawful arrest or excessive  
     force used to arrest,  
       § 6:29  
   unlawful arrest or excessive  
     force used to arrest, § 6:29  
 Dependent adults, injuries to,  
   § 6:39  
 Domestic violence, § 6:42  
 Drugs, use of, § 6:41  
 Great bodily injury. Deadly  
   weapon or force likely to  
   produce great bodily injury,  
   above  
 Impervious defense, § 6:34  
 Intoxication defense, §§ 6:31,  
   6:32  
 Involuntary intoxication, § 6:31  
 Lesser included offenses  
   generally, §§ 6:25 to 6:27  
   crimes not considered lesser  
     included offenses, § 6:27  
   included offense of assault,  
     § 6:25  
   included offense of resisting  
     arrest, § 6:26  
 Officer under color of authority,  
   § 6:14  
 Others, defense of, § 6:30  
 Park property  
   assault on, § 6:11  
   battery on, § 6:22  
 Provocation, § 6:35  
 Public officer  
   assault against, § 6:4  
   battery against, § 6:21  
 Rape, assault with intent to com-  
   mit, § 7:8  
 School property, assault on, § 6:11  
 Self-defense. Defenses, above  
 Sentencing, § 6:37

## INDEX

### ASSAULT AND BATTERY

#### —Cont'd

- Sexual assault. Sexual Offenses (this index)
- Statutes of limitation, § 6:36
- Stun gun, use of, § 6:10
- Taser, use of, § 6:10
- Unlawful arrest or excessive force used to arrest, § 6:29
- Voluntary intoxication, § 6:32
- Weapons offenses, § 6:40

### ASSETS

- Fraudulently concealing or disposing of, § 9:16

### ATTEMPT

- Generally, §§ 3:10 to 3:12
- Abandonment defense, § 3:12
- Arson (this index)
- Assault, § 6:15
- Battery. Assault and Battery (this index)
- Extortion, § 8:88
- Homicide (this index)
- Kidnapping (this index)
- Specific intent and act required, § 3:11
- Stolen property crimes, § 8:42
- Subornation of perjury. Perjury (this index)

### ATTORNEYS

- Attempted subornation of perjury, § 13:72

### BAIL

- Drug offenses, § 11:37

### BATTERED WOMEN'S SYNDROME

- Generally, §§ 4:32 to 4:34
- Expert testimony, use to establish defense, § 4:33
- Nature of, § 4:32
- Past prohibitions to allowing BWS evidence, remedying, § 4:34

### BATTERY

- Assault and Battery (this index)

### BEACHES

- Drug offenses, sentence enhancements, § 11:54

### BIGAMY

- Generally, § 7:42

### BOOKS

- Used book dealers, stolen property provisions applicable to, § 8:43

### BRIBERY

- Generally, §§ 13:1 to 13:30
- Accomplices and corroboration generally, §§ 13:13 to 13:15
- sufficiency of corroboration, § 13:15
- who is an accomplice, § 13:14
- Capacity, § 13:5
- Circumstantial evidence of intent, attacking, § 13:23
- Coercion defense, § 13:21
- Commercial bribery, § 13:9
- Corroboration. Accomplices and corroboration, above
- Corrupt intent
- element of offense, § 13:4
- rebutting or defeating, §§ 13:23, 13:24
- Defenses
- generally, §§ 13:19 to 13:29
- circumstantial evidence of intent, attacking, § 13:23
- coercion or duress, § 13:21
- corrupt intent element, rebutting or defeating, §§ 13:23, 13:24
- duplicity, § 13:29
- entrapment, § 13:20
- intoxication, § 13:26
- method in which crime was charged, attacking, § 13:27
- multiplicity, § 13:28
- only kidding, § 13:24
- technical defenses, §§ 13:27 to 13:29
- unofficial investigation, § 13:25
- withdrawal, § 13:22
- Duplicity defenses, § 13:29
- Duress defense, § 13:21

**BRIBERY—Cont'd**

- Elements of offense
  - generally, §§ 13:2 to 13:8
  - capacity, § 13:5
  - corrupt intent, § 13:4
  - Offer or solicitation, below thing of value, § 13:3
- Entrapment defense, § 13:20
- Extortion
  - generally, § 13:12
  - federal bribery and extortion charges, §§ 13:16 to 13:18
- Federal bribery and extortion charges, §§ 13:16 to 13:18
- Hobbs Act
  - extortion, meaning under act, § 13:17
  - under color of official right, meaning under act, § 13:18
- Intoxication defense, § 13:26
- Layperson, offer by, § 13:7
- Method in which crime was charged, attacking, § 13:27
- Multiplicity defenses, § 13:28
- Offer or solicitation
  - generally, §§ 13:6 to 13:8
  - layperson, offer by, § 13:7
  - official, request or acceptance, § 13:8
  - solicitation to bribe, § 13:11
  - two fact patterns, § 13:6
- Official, request or acceptance, § 13:8
- Only kidding defense, § 13:24
- Overview, § 13:1
- Recent developments, § 13:30
- Related offenses, § 13:10
- Solicitation. Offer or solicitation, above
- Thing of value, § 13:3
- Unofficial investigation defense, § 13:25
- Withdrawal defense, § 13:22

**BROKERS**

- False statements by, § 9:20

**BURDEN OF PROOF**

- Alibis (this index)
- Entrapment, §§ 2:41, 4:53

**BURDEN OF PROOF—Cont'd**

- Environmental crimes, § 10:70
- Jury, arguing to
  - generally, §§ 2:48 to 2:53
  - defense's burden of proof by preponderance of evidence generally, §§ 2:51, 2:52
  - defense attorneys, ideas for, § 2:51
  - prosecuting attorneys, ideas for, § 2:52
- importance of presentation, § 2:48
- prosecution's burden of proof beyond reasonable doubt generally, §§ 2:49, 2:50
- defense attorneys, ideas for, § 2:49
- prosecuting attorneys, ideas for, § 2:50
- Perjury, § 13:75
- Persuasion, burden of
  - generally, §§ 2:37 to 2:47
- affirmative defenses
  - generally, §§ 2:39 to 2:43
  - entrapment, § 2:41
  - incompetence to stand trial, § 2:43
  - insanity, § 2:40
  - necessity, § 2:42
- allocation under constitutional and California law generally, § 2:38
- affirmative defenses, above elements of crime, § 2:38
- entrapment, § 2:41
- incompetence to stand trial, § 2:43
- insanity, § 2:40
- mandatory irrebuttable presumptions, § 2:45
- mandatory rebuttable presumptions, § 2:46
- nature of, § 2:37
- necessity, § 2:42
- permissive presumptions, § 2:47
- presumptions
  - generally, §§ 2:44 to 2:47
  - function of, § 2:44

## INDEX

### **BURDEN OF PROOF—Cont'd**

- Persuasion, burden of—Cont'd
  - presumptions—Cont'd
    - mandatory irrebuttable presumptions, § 2:45
    - mandatory rebuttable presumptions, § 2:46
    - permissive presumptions, § 2:47
- Production, burden of
  - generally, §§ 2:32 to 2:52
  - affirmative defenses, § 2:34
  - allocation under constitutional and California law
    - generally, § 2:33
    - affirmative defenses, § 2:34
    - elements of crime, § 2:33
  - defendant's failure to meet burden, § 2:36
  - elements of crime, § 2:33
  - failure to meet burden
    - generally, § 2:35
    - defendant's failure, § 2:36
    - prosecution's failure, § 2:35
  - nature of, § 2:32
  - prosecution's failure to meet burden, § 2:35

### **BURGLARY**

- Generally, §§ 8:47 to 8:61
- Buildings, § 8:52
- Cargo containers, § 8:55
- Consent issues, § 8:57
- Corpus delicti, § 2:21
- Defined, § 8:48
- Dwelling purposes, buildings used for, § 8:50
- Elements of offense
  - generally, §§ 8:51 to 8:60
  - consent issues, § 8:57
  - entry requirement, § 8:56
  - Places that can be burglarized, below
  - Specific criminal intent, below
- Entry requirement, § 8:56
- First degree burglary, § 8:49
- Intent. Specific criminal intent, below
- Larcenous or felonious intent, § 8:58

### **BURGLARY—Cont'd**

- Overview, § 8:47
- Places that can be burglarized
  - generally, §§ 8:51 to 8:55
  - buildings, § 8:52
  - cargo containers, § 8:55
  - rooms, § 8:53
  - structures listed by statute, § 8:51
  - vehicles, § 8:54
- Punishment, § 8:61
- Rooms, § 8:53
- Second degree burglary, § 8:49
- Specific criminal intent
  - generally, §§ 8:58 to 8:60
  - larcenous or felonious intent, § 8:58
  - larceny, intent requirement for, § 8:60
  - presence at moment of entry, § 8:59
- Structures listed by statute, § 8:51
- Vehicles, § 8:54

### **BUSINESS FRAUD**

- Generally, §§ 9:2 to 9:13
- Corroboration rule, § 9:9
- Degrees, § 9:13
- False Pretenses, Fraud by (this index)
- Ineffective defenses, § 9:10
- Partnership funds, theft of, § 9:11
- Punishment, § 9:13
- Unit of prosecution, § 9:12

### **CALIFORNIA CORPORATE CRIMINAL LIABILITY ACT**

- Generally, §§ 10:16 to 10:27
- Counsel, need for in workplace investigations, § 10:27
- Definitions, breadth of, § 10:18
- Federally-approved Cal OSHA, Act not part of, § 10:21
- Fifth Amendment challenges, § 10:26
- Notice requirement, § 10:16
- Preemption by Federal OSHA
  - generally, §§ 10:20 to 10:25
  - Act not part of federally-approved Cal OSHA, § 10:21



**CALIFORNIA CORPORATE  
CRIMINAL LIABILITY  
ACT—Cont'd**

- Preemption by Federal OSHA  
—Cont'd
  - extent of preemption, § 10:20
  - federal standards on point,  
§ 10:23
  - other federal statutes, preemp-  
tion by, § 10:25
  - restriction of preemption to  
extent act applies outside  
workplace, § 10:24
  - workplace standard, construing  
Act as, § 10:22
- Prosecutions under act, § 10:17
- Void for vagueness challenges,  
§ 10:19
- Workplace standard, construing  
Act as, § 10:22

**CAPITAL PUNISHMENT**

- Circumstantial evidence, use to  
establish corpus delicti,  
§ 2:14
- Perjury, capital punishment for  
procuring execution,  
§ 13:102

**CARGO CONTAINERS**

- Burglary, § 8:55

**CARJACKING**

- Robbery (this index)

**CARTWRIGHT ACT**

- Antitrust Violations (this index)

**CERTIFICATES**

- Perjury, delivery requirement,  
§ 13:34

**CHEMICALS**

- Assault and battery, use of  
chemicals, § 6:41

**CHILDREN**

- Abduction. Kidnapping (this  
index)
- Corpus delicti, child abuse, § 2:22
- House of prostitution, admitting or  
keeping minor in, § 7:51
- Offenses involving injuries to,  
§ 6:38

**CHILDREN—Cont'd**

- Pornography and Obscenity (this  
index)
- Sexual Offenses (this index)

**COCAINE**

- Drug Offenses (this index)

**COERCION**

- Bribery, coercion defense, § 13:21
- Human trafficking, § 6:82

**COHABITATION**

- Receiving money for placing  
person for purposes of cohab-  
itation, § 7:46

**COLLATERAL ESTOPPEL**

- Perjury, § 13:79

**COLLECTORS**

- Stolen property provisions  
applicable to, § 8:43

**COLOR OF AUTHORITY**

- Assault and battery by officer  
under color of authority,  
§ 6:14

**COMPASSIONATE USE ACT**

- Medical Marijuana (this index)

**COMPETENCE TO STAND  
TRIAL**

- Generally, § 4:40
- Persuasion, burden of, § 2:43

**COMPUTER CRIME**

- Generally, § 9:17

**CONFLICT OF INTEREST**

- Generally, § 13:129
- Fraud, § 9:30

**CONFRONTATION, RIGHT OF**

- Perjury, § 13:90

**CONSENT**

- Burglary, consent issues, § 8:57
- Conspiracy, consent of victim,  
§ 12:31
- Kidnapping, consent defense,  
§ 6:67
- Larceny, consent defense, § 8:15
- Sexual Offenses (this index)



## INDEX

### CONSPIRACY

- Generally, §§ 3:14 to 3:22, 12:1 to 12:62
- Accomplice testimony, § 12:41
- Acquittal on substantive or conspiracy charge, § 12:33
- Acts committed prior to defendant joining conspiracy, § 12:24
- Agreement, § 12:4
- Charging issues, § 12:37
- Co-conspirators
  - acts and statements, §§ 3:17, 12:44
  - liability, §§ 3:21, 12:18
- Competency and insanity defenses, § 12:32
- Consent of victim, § 12:31
- Constitutionality of conspiracy statutes, § 12:21
- Criticism of conspiracy laws, § 12:20
- Defenses
  - generally, §§ 12:22 to 12:36
  - acquittal on substantive or conspiracy charge, § 12:33
  - competency and insanity, § 12:32
  - consent of victim, § 12:31
  - criminal acts committed prior to defendant joining conspiracy, § 12:24
  - double jeopardy, § 12:36
  - duress, § 12:29
  - entrapment, § 12:30
  - ignorance of law, § 12:34
  - impossibility, § 12:35
  - ineffective defenses, §§ 12:33 to 12:35
  - intent defenses, § 12:27
  - necessity, § 12:28
  - statute of limitations, § 12:26
  - termination of conspiracy, § 12:23
  - voluntary withdrawal, § 12:22
  - Wharton's rule, § 12:25
- Definitions, §§ 12:3 to 12:14
- Double jeopardy, § 12:36
- Drug offenses, co-conspirator liability, § 11:30
- Duress defense, § 12:29

### CONSPIRACY—Cont'd

- Elements, §§ 12:3 to 12:14
- Entrapment defense, § 12:30
- Evidentiary issues
  - generally, §§ 12:40 to 12:44
  - accomplice testimony, § 12:41
  - co-conspirator statements, § 12:44
  - expert testimony, § 12:43
  - other criminal acts, evidence of, § 12:42
  - rules of evidence, applicability, § 12:40
- Expert testimony, § 12:43
- Felony murder
  - conspirator liability, § 5:22
  - second degree murder in pursuance of conspiracy, § 5:36
- Fraud and false pretenses, § 12:11
- Gang Crimes and STEP Act (this index)
- Historical background, § 12:2
- Ignorance of law defense, § 12:34
- Impossibility defense, § 12:35
- Indictment or charge, false, § 12:9
- Intent defenses, § 12:27
- Legal proceedings, falsely maintaining, § 12:10
- Membership in conspiracy, § 3:18
- Money laundering, § 9:65
- Nature of required agreement, § 3:16
- Necessity defense, § 12:28
- Objects of conspiracy
  - generally, §§ 12:7 to 12:14
  - any crime, § 12:8
  - fraud and false pretenses, § 12:11
  - indictment or charge, false, § 12:9
  - legal proceedings, falsely maintaining, § 12:10
  - obstructing or perverting justice, § 12:12
  - public health or morals, injuring, § 12:12
  - public officials, crimes against, § 12:13
- Obstructing or perverting justice, § 12:12

**CONSPIRACY—Cont’d**

- Other criminal acts, evidence of,  
§ 12:42
- Overt acts, §§ 3:15, 12:14
- Parties, §§ 3:20, 12:5
- Penalties
  - separate offense, § 12:17
  - statutory provisions, § 12:16
- Procedural issues
  - generally, §§ 12:37 to 12:39
  - charging issues, § 12:37
  - severance, § 12:38
  - verdict, § 12:39
- Public health or morals, injuring,  
§ 12:12
- Public officials, crimes against,  
§ 12:13
- Public policy concerns
  - criticism of conspiracy laws,  
§ 12:20
  - policies supported by conspir-  
acy laws, § 12:19
- Severance, § 12:38
- Specific intent, §§ 3:19, 12:6
- Statute of limitations, § 12:26
- Statutory scheme, § 3:14
- Termination of, §§ 3:22, 12:23
- Venue requirements, § 12:15
- Verdict, § 12:39
- Voluntary withdrawal, § 12:22
- Wharton’s rule, § 12:25
- Withdrawal from, § 3:22

**CONSTITUTIONAL LAW**

- California Corporate Criminal  
Liability Act
  - Fifth Amendment challenges,  
§ 10:26
  - void for vagueness challenges,  
§ 10:19
- Conspiracy statutes,  
constitutionality, § 12:21
- Double Jeopardy (this index)
- First Amendment defense
  - application to specific charges,  
§ 4:64
  - procedure, § 4:63
- Fourth Amendment, medical  
marijuana, § 11:19
- Overbreadth, § 1:7

**CONSTITUTIONAL LAW**

**—Cont’d**

- Perjury, constitutional issues,  
§ 13:75
- Preemption, § 1:6
- Void for vagueness doctrine  
generally, § 1:5
- California Corporate Criminal  
Liability Act, § 10:19

**CONSTRUCTION EQUIPMENT**

- Stolen equipment, purchase of,  
§ 8:46

**CONSTRUCTION OF  
STATUTES**

- Generally, § 1:3

**CONTEMPT**

- Perjury, contempt citation as for-  
mer jeopardy, § 13:81

**CONTROLLED SUBSTANCES**

- Drug Offenses (this index)

**CONVEYANCES**

- Fraudulent, § 9:19

**CONVICTION**

- Effects of, § 1:23

**CORPORATE CRIMINALITY**

- Generally, §§ 3:23 to 3:28
- California Corporate Criminal  
Liability Act (this index)
- Environmental Crimes (this index)
- Imputed liability for criminal acts  
of agents/employees
  - federal rule, § 3:27
  - general rule for corporations,  
§ 3:25
  - specific and general intent  
crimes, distinction  
between, § 3:26
- Officers, criminal liability, § 3:24
- Persons, corporations subject to  
criminal liability as, § 3:23
- Public health and safety, crimes  
against, § 3:28

**CORPUS DELICTI**

- Generally, §§ 2:3 to 2:31
- Accomplice’s extrajudicial state-  
ments and testimony, § 2:17

## INDEX

### **CORPUS DELICTI—Cont'd**

- Arson, § 2:20
- Burden of Proof (this index)
- Burglary, § 2:21
- Child abuse, § 2:22
- Circumstantial evidence
  - generally, § 2:13
  - homicide and capital cases, § 2:14
- Defined, § 2:3
- Degree of crime not an element, § 2:8
- Direct and circumstantial evidence, § 2:13
- Direct vs. indirect independent evidence, § 2:15
- Doctrine of, § 2:4
- Drunk driving, § 2:23
- Elements
  - generally, §§ 2:5 to 2:8
  - degree of crime not an element, § 2:8
  - identification of accused, § 2:5
  - locus of crime not an element, § 2:7
  - state of mind, proof of, § 2:6
- Evidence. Sufficiency of evidence, below
- Extrajudicial statements not admitting guilt, § 2:18
- Felony-murder cases, application of doctrine, § 2:9
- Forgery, § 2:24
- Gambling, § 2:25
- Homicide, § 2:19
- Identification of accused, § 2:5
- Instructions to Jury (this index)
- Locus of crime not an element, § 2:7
- Narcotics possession, § 2:26
- Procedural considerations
  - jury instruction requirement, § 2:31
  - order of proof, § 2:30
- Rape, § 2:27
- Robbery, § 2:28
- Sexual abuse cases, application of doctrine, § 2:10
- State of mind, proof of, § 2:6
- Status enhancements, § 2:29

### **CORPUS DELICTI—Cont'd**

- Sufficiency of evidence
  - generally, §§ 2:11 to 2:18
  - accomplice's extrajudicial statements and testimony, § 2:17
  - direct and circumstantial evidence, § 2:13
  - direct vs. indirect independent evidence, § 2:15
  - extrajudicial statements not admitting guilt, § 2:18
  - homicide and capital cases, use of circumstantial evidence, § 2:14
  - no jury instruction on prima facie standard, § 2:12
  - required showing for rule, § 2:11
  - testimony of accused, § 2:16
- Testimony of accused, § 2:16

### **COUNTERFEITING**

- Generally, §§ 8:63, 8:72 to 8:75
- Defined, § 8:72
- Elements of offense, § 8:73
- Punishment, § 8:74
- Related offenses, § 8:75

### **COURT APPEARANCE**

- Failure to appear, § 13:128

### **CRANES**

- Certification process, penalties for violations, § 10:14

### **CREDIT CARD FRAUD**

- Generally, §§ 9:23 to 9:27
- Forgery and use of forged credit cards, § 9:25
- Retailers, fraud by, § 9:27
- Unauthorized use, § 9:26
- Unlawful possession and sale of credit cards, § 9:24

### **CREDITORS**

- Fraud against, § 9:15

### **CRIMINAL LAW IN CALIFORNIA, OVERVIEW**

- Generally, §§ 1:1 to 1:24

**CRIMINAL LIABILITY**

Generally, §§ 3:1 to 3:28  
Attempt (this index)  
Conspiracy (this index)  
Corporate Criminality (this index)  
Principals, Accomplices, and  
Accessories (this index)  
Solicitation, § 3:13

**CRIMINAL NEGLIGENCE**

Generally, § 1:16  
Mistake of fact defense, § 4:8

**CROSS REFERENCE TABLE**

CALCRIM to CALJIC, § App A

**CUSTODIAL OFFICER**

Battery on, § 13:112

**DECLARATIONS**

Perjury, declaration filed with  
court, § 13:43

**DEFENSES AND EXEMPTIONS**

Generally, §§ 4:1 to 4:65  
Alibis (this index)  
Antitrust Violations (this index)  
Assault and Battery (this index)  
Battered Women's Syndrome (this  
index)  
Bribery (this index)  
Conspiracy (this index)  
Duress (this index)  
Embezzlement (this index)  
Entrapment (this index)  
Escape, § 13:110  
First Amendment defense, §§ 4:62  
to 4:64  
Homicide (this index)  
Insanity (this index)  
Kidnapping (this index)  
Larceny (this index)  
Malice (this index)  
Medical Marijuana (this index)  
Mistake of Fact (this index)  
Necessity (this index)  
Perjury (this index)  
Self-Defense (this index)  
Sexual Offenses (this index)  
Willfully defined, § 4:2

**DEPENDENT ADULTS**

Offenses involving injuries to,  
§ 6:39

**DEPOSITIONS**

Perjury (this index)

**DIMINISHED CAPACITY**

Generally, § 4:39  
Reduction from murder to man-  
slaughter, § 5:48

**DOMESTIC VIOLENCE**

Generally, § 6:42  
Battered Women's Syndrome (this  
index)

**DOUBLE JEOPARDY**

Conspiracy, § 12:36  
Perjury, contempt citation as for-  
mer jeopardy, § 13:81

**DRIVE-BY SHOOTINGS**

Car, discharging gun from, § 5:27

**DRIVING UNDER THE  
INFLUENCE**

Generally, §§ 11:68 to 11:78  
Alcoholic beverage or drug,  
defined, § 11:72  
Being under the influence, defined,  
§ 11:73  
Blood alcohol concentration of  
.08% or above, defined,  
§ 11:74  
Corpus delicti, § 2:23  
Defenses, § 11:75  
Definitions, §§ 11:70 to 11:74  
Driving, defined, § 11:70  
Gross vehicular manslaughter  
while intoxicated, § 5:56  
Overview, § 11:68  
Penalties  
generally, §§ 11:76 to 11:78  
DUI with injuries, § 11:78  
first-time DUI and DUI with  
priors, § 11:77  
Statutes, § 11:69  
Vehicle, defined, § 11:71  
Watson advisement, § 11:79

**DRUG OFFENSES**

Generally, §§ 11:1 to 11:79

## INDEX

### **DRUG OFFENSES—Cont'd**

- Accessory liability, § 11:31
- Accomplices and co-conspirators
  - generally, §§ 11:29 to 11:31
  - accessory liability, § 11:31
  - aider and abettor liability, § 11:29
  - co-conspirator liability, § 11:30
- Aider and abettor liability, § 11:29
- Amount sufficient to be used as controlled substance, § 11:8
- Assault and battery, use of drugs, § 6:41
- Bail, § 11:37
- Beaches enhancements, § 11:54
- Being under the influence, § 11:32
- Civil liability, § 11:62
- Co-conspirator liability, § 11:30
- Collateral consequences
  - generally, §§ 11:56 to 11:62
  - civil liability, § 11:62
  - forfeiture laws, § 11:61
  - immigration consequences, § 11:57
  - licensing consequences, § 11:58
  - offender registration, § 11:59
  - prior convictions, effect of, § 11:60
  - scope of possible consequences, § 11:56
- Controlled substances
  - generally, § 11:3
  - amount sufficient to be used as controlled substance, § 11:8
  - knowledge of presence, § 11:6
- Motions commonly filed, below sale, transportation, or giving away, § 11:12
- Sentences for controlled substances offenses, below
- Corpus delicti, narcotics possession, § 2:26
- Decriminalization, marijuana, Proposition 64, § 11:22
- Diversion, § 11:41
- Dominion and control, exercise, § 11:5
- Enhancements
  - generally, §§ 11:50 to 11:55

### **DRUG OFFENSES—Cont'd**

- Enhancements—Cont'd
  - applicability, § 11:50
  - firearm enhancements, § 11:52
  - parks and beaches enhancements, § 11:54
  - schoolyard enhancements, § 11:53
  - weight or quantity enhancements, § 11:51
- False compartment offenses, § 11:36
- Firearm enhancements, § 11:52
- Forfeiture laws, § 11:61
- Franks hearing, § 11:65
- Giving away controlled substances, § 11:12
- Harvesting offenses
  - generally, § 11:13
  - marijuana, § 11:26
- Immigration consequences, § 11:57
- Informant, motion to reveal identity
  - generally, §§ 11:66, 11:67
  - beneficial results, § 11:66
  - hearings, § 11:67
- Ingesting, marijuana offenses, § 11:25
- Judgment, deferred entry and diversion, § 11:41
- Jurisdiction, state and federal, § 11:2
- Knowledge
  - nature of substance, § 11:7
  - presence of controlled substance, § 11:6
- Licensing consequences, § 11:58
- Manufacturing offenses, § 11:13
- Marijuana
  - offenses
    - generally, §§ 11:14 to 11:28
    - concentrated cannabis and marijuana, § 11:15
    - decriminalization, Proposition 64, § 11:22
  - Medical Marijuana (this index)
  - planting, harvesting or processing, § 11:26

**DRUG OFFENSES—Cont'd**

Marijuana—Cont'd  
 offenses—Cont'd  
   possession, § 11:24  
   possession for sale, § 11:27  
   sale, transportation, importation or gift, § 11:28  
   separately regulated, § 11:14  
   smoking or ingesting, § 11:25  
   summary of marijuana laws, § 11:23  
 Motions commonly filed in controlled substances cases  
   generally, §§ 11:63 to 11:67  
   evidence, motion to suppress, § 11:64  
   Franks hearing, § 11:65  
   Informants, above  
   need for motions, § 11:63  
 Overview, § 11:1  
 Paraphernalia, § 11:33  
 Place offenses, § 11:34  
 Planting offenses, marijuana, § 11:26  
 Possession crimes  
   generally, § 11:4  
   amount sufficient to be used as controlled substance, § 11:8  
   dominion and control, exercise, § 11:5  
   elements, §§ 11:4 to 11:11  
   marijuana, § 11:24  
   nature of substance, knowledge of, § 11:7  
   presence of controlled substance, knowledge of, § 11:6  
 Possession for sale or purchase for sale  
   generally, §§ 11:9 to 11:11  
   elements of crime, § 11:10  
   marijuana, § 11:27  
   personal use vs. possession for sale, arguing, § 11:11  
   sentencing, possession for sale, § 11:39  
   statutes, relevant, § 11:9  
 Prescription offenses, § 11:35

**DRUG OFFENSES—Cont'd**

Prior convictions  
   effect of, § 11:60  
   Proposition 36 sentencing and strike priors, § 11:45  
 Probation  
   repeal of bar to probation, § 11:55  
   revocation of probation, Proposition 36, § 11:47  
 Processing offenses  
   generally, § 11:13  
   marijuana, § 11:26  
 Proposition 36  
   expungement, § 11:48  
   goal of rehabilitation, § 1:21  
   probation revocation, § 11:47  
   sentencing  
     generally, §§ 11:42 to 11:48  
     conviction of other charges, § 11:46  
     disqualifying factors, §§ 11:44 to 11:46  
     expungement, § 11:48  
     overview, § 11:42  
     probation revocation, § 11:47  
     qualifying drug offenses, § 11:43  
     strike priors, § 11:45  
 Proposition 64, marijuana, decriminalization, § 11:22  
 Quantity enhancements, § 11:51  
 Registration of drug offenders, § 11:59  
 Repeal of bar to probation, § 11:55  
 Sale, transportation, or giving away controlled substances  
   generally, § 11:12  
   marijuana, § 11:28  
   sentencing, sales and transportation, § 11:40  
 Schoolyard enhancements, § 11:53  
 Sentences for controlled substances offenses  
   generally, §§ 11:38 to 11:48  
   deferred entry of judgment and diversion, § 11:41  
 Enhancements, above  
 Penalties, above

## INDEX

### **DRUG OFFENSES—Cont'd**

- Sentences for controlled substances offenses—Cont'd
  - Proposition 36, above regular sentencing
    - generally, §§ 11:38 to 11:40
    - possession for sale, § 11:39
    - sales and transportation, § 11:40
    - use and possession for personal use outside Proposition 36, § 11:38
- Smoking, marijuana offenses, § 11:25
- Suppression of evidence motions, § 11:64
- Transportation of controlled substances, § 11:12
- Treatment-Mandated Felony, § 11:49
- Under the influence, § 11:32
- Watson advisement, § 11:79
- Weight or quantity enhancements, § 11:51

### **DURESS**

- Generally, §§ 4:14 to 4:18
- Bribery, duress defense, § 13:21
- Defense
  - generally, §§ 4:14 to 4:16
  - conspiracy, § 12:29
- Defined, §§ 4:14 to 4:16
- Murder cases, § 4:16

### **ELEMENTS OF CRIME AND SUFFICIENCY OF EVIDENCE**

- Generally, §§ 2:1 to 2:53

### **ELEMENTS OF OFFENSES**

- Generally, § 2:2
- Corpus Delicti (this index)

### **EMBEZZLEMENT**

- Generally, §§ 8:25 to 8:36
- Aider or abettor liability, § 8:31
- Conviction, elements not required to support, § 8:33
- Defenses
  - generally, §§ 8:34, 8:35
  - good faith claim of title, § 8:34

### **EMBEZZLEMENT—Cont'd**

- Defenses—Cont'd
  - intent to restore property to owner as mitigating factor, § 8:35
- Elements of offense
  - generally, §§ 8:26 to 8:29
  - conviction, elements not required to support, § 8:33
  - entrustment of property to accused, § 8:27
  - fraudulent intent, § 8:29
  - involuntary trustees, § 8:28
  - two basic requirements, § 8:26
- Entrustment of property to accused, § 8:27
- Fraudulent intent
  - generally, § 8:29
  - jury instructions, § 8:32
- Good faith claim of title, § 8:34
- Intent to restore property to owner as mitigating factor, § 8:35
- Involuntary trustees, § 8:28
- Jury instructions, fraudulent intent, § 8:32
- Larceny distinguished, § 8:25
- Partner, embezzlement by, § 8:30
- Public officers, § 13:131
- Punishment, § 8:36

### **EMPLOYEES**

- Imputed liability. Corporate Criminality (this index)

### **ENTRAPMENT**

- Generally, §§ 4:41 to 4:54
- Arguing in alternative, § 4:52
- Bribery, entrapment defense, § 13:20
- Burden of proof, §§ 2:41, 4:53
- California's approach, § 4:47
- Conspiracy, entrapment defense, § 12:30
- Defined, § 4:41
- Different approaches
  - generally, §§ 4:44 to 4:47
  - California's approach, § 4:47
  - objective approach, § 4:46
  - subjective approach, § 4:45
  - subjective vs. objective, § 4:44
- Extent of defense provided, § 4:42



**ENTRAPMENT—Cont'd**

- Instructing jury, § 4:50
- Objective approach, § 4:46
- Outrageous government conduct, § 4:54
- Prior crimes, admissibility, § 4:51
- Question of fact, § 4:49
- State action, § 4:43
- Subjective approach, § 4:45
- Subjective vs. objective approach, § 4:44
- Test for, applying
  - generally, §§ 4:48 to 4:53
  - arguing in alternative, § 4:52
  - burden of proof, § 4:53
  - factors, § 4:48
  - instructing jury, § 4:50
  - prior crimes, admissibility, § 4:51
  - question of fact, § 4:49

**ENVIRONMENTAL CRIMES**

- Generally, §§ 10:39 to 10:63
- Air pollution violations, § 10:53
- Burden of proof, § 10:70
- Classification of crimes, § 10:54
- Corporate criminal liability
  - generally, §§ 10:56 to 10:63
  - actual knowledge, § 10:60
  - elements of proof, § 10:57
  - notification requirements
    - complying with, § 10:61
    - exemptions from, § 10:62
  - penalties, § 10:63
  - serious concealed danger, § 10:59
  - who qualifies as defendant, § 10:58
- Defense strategy issues, §§ 10:70 to 10:72
- Disposal violations, § 10:44
- Factors that may influence filing decision or reduce penalty, § 10:72
- Failure to cooperate, § 10:47
- Government investigation, § 10:68
- Hazardous materials response plans, § 10:51
- Hazardous substances
  - account fund, § 10:49

**ENVIRONMENTAL CRIMES**

**—Cont'd**

- Hazardous substances—Cont'd
  - underground storage, § 10:50
- Hazardous waste regulation, § 10:43
- Intent, § 10:71
- Internal investigation, conducting, § 10:66
- Notification requirements.
  - Corporate criminal liability, above
- OSHA Violations (this index)
- Overview, § 10:39
- Penalties, range of, § 10:55
- Procedure and analysis
  - generally, §§ 10:66 to 10:72
  - burden of proof, § 10:70
  - defense strategy issues, §§ 10:70 to 10:72
  - factors that may influence filing decision or reduce penalty, §§ 10:70 to 10:72
  - government investigation, § 10:68
  - intent, § 10:71
  - internal investigation, conducting, § 10:66
  - regulatory analysis, § 10:67
  - technical analysis, § 10:69
- Prosecution of environmental violations
  - generally, §§ 10:40 to 10:42
  - prosecutors, § 10:41
  - special enforcement teams, § 10:42
  - state environmental authorities, § 10:40
- Recordkeeping violations, § 10:46
- Regulatory analysis, § 10:67
- Search and seizure issues
  - generally, §§ 10:64, 10:65
  - Code of Civil Procedure, searches pursuant to, § 10:65
  - Health and Safety Code, searches pursuant to, § 10:64
- Serious concealed danger, § 10:59

## INDEX

### ENVIRONMENTAL CRIMES

#### —Cont'd

- Special environmental enforcement teams, § 10:42
- State environmental authorities, § 10:40
- Statutes with criminal penalties
  - generally, §§ 10:43 to 10:48
  - disposal violations, § 10:44
  - failure to cooperate, § 10:47
  - hazardous waste regulation, § 10:43
  - recordkeeping violations, § 10:46
  - transportation violations, § 10:48
  - treatment and storage violations, § 10:45
- Technical analysis, § 10:69
- Transportation violations, § 10:48
- Treatment and storage violations, § 10:45
- Water pollution violations, § 10:52

### ESCAPE

- Generally, §§ 13:109 to 13:111
- Aiding and abetting, § 13:111
- Defenses, § 13:110
- Elements of proof, § 13:109

### EVIDENCE

- Antitrust Violations (this index)
- Conspiracy (this index)
- Corpus Delicti (this index)
- False, § 13:106
- Perjury (this index)
- Sexual Offenses (this index)

### EXPERT TESTIMONY

- Battered women's syndrome, use to establish defense, § 4:33
- Conspiracy, § 12:43

### EXTORTION

- Generally, §§ 8:76 to 8:95
- Accusing victim of crime, threat, § 8:85
- Attempted extortion, § 8:88
- Bribery (this index)
- California extortion statute
  - generally, §§ 8:79 to 8:82

### EXTORTION—Cont'd

- California extortion statute
  - Cont'd
  - causality, § 8:82
  - definition of extortion, § 8:79
  - official act of public officer, obtaining, § 8:81
  - property from another, obtaining, § 8:80
  - Special California extortion provisions, below
- Causality, § 8:82
- Color of official right, § 8:87
- Common law extortion, § 8:77
- Court process, false, § 8:92
- Deformity, disgrace, or crime, threat to expose, § 8:86
- Discharged prisoner, extortion of, § 8:94
- Fear-inducing threats, four kinds, § 8:83
- Federal statutory extortion, § 8:78
- Kidnapping (this index)
- Letter, threatening, § 8:91
- Official act of public officer, obtaining, § 8:81
- Overview, § 8:76
- Property from another, obtaining, § 8:80
- Punishment, § 8:95
- Signature to transfer property, extorting, § 8:90
- Special California extortion provisions
  - generally, §§ 8:89 to 8:94
  - discharged prisoner, extortion of, § 8:94
  - false court process, § 8:92
  - kidnapping for purposes of extortion, § 8:93
  - offenses covered, § 8:89
  - signature to transfer property, extorting, § 8:90
  - threatening letter, § 8:91
- Threats prohibited by Penal Code § 519
  - generally, §§ 8:83 to 8:86
  - accusing victim of crime, § 8:85
  - deformity, disgrace, or crime, threat to expose, § 8:86

**EXTORTION—Cont’d**

- Threats prohibited by Penal Code § 519—Cont’d
  - fear-inducing threats, four kinds, § 8:83
  - unlawful injury, threat of, § 8:84
- Unlawful injury, threat of, § 8:84

**EXTRAJUDICIAL STATEMENTS**

- Accomplice testimony, § 2:17
- Not admitting guilt, § 2:18

**FAILURE TO APPEAR**

- Generally, § 13:128

**FALSE EVIDENCE**

- Generally, § 13:106

**FALSE PERSONATION**

- Generally, § 9:18

**FALSE PRETENSES, FRAUD BY**

- Generally, §§ 9:3 to 9:9
- Basic elements, § 9:3
- Business Fraud (this index)
- Causation, § 9:8
- Conspiracy, fraud as object of, § 12:11
- False promise as false pretense, § 9:6
- Form of false pretense, § 9:5
- Intent to defraud, § 9:4
- Opinion as false pretense, § 9:7
- Reliance, § 9:8

**FALSIFICATION OF ACCOUNTS**

- Public officers, § 13:131

**FEDERAL GOVERNMENT**

- Antitrust violations, applying federal antitrust law, § 9:38
- Bribery, federal bribery and extortion charges, §§ 13:16 to 13:18
- California Corporate Criminal Liability Act, preemption by federal OSHA, §§ 10:20 to 10:25
- Drug offenses, federal jurisdiction, § 11:2

**FEDERAL GOVERNMENT —Cont’d**

- Extortion, § 8:78
- Medical marijuana and federal charges, § 11:17

**FELONIES**

- Classification of crimes, § 1:2
- OSHA Violations (this index)

**FELONY MURDER**

- Homicide (this index)

**FETUS**

- Defined, § 5:7

**FINANCIAL CONDITION**

- False statements about, § 9:21

**FIREARMS**

- Deadly weapon, firearm as, § 6:8
- Deadly weapon use. Assault and Battery (this index)
- Discharging gun from car, § 5:27
- Drug offenses, firearm enhancements, § 11:52
- Gang crimes, sentence enhancements, §§ 12:53 to 12:55

**FIRST AMENDMENT**

- Constitutional Law (this index)

**FORFEITURE LAWS**

- Drug offenses, § 11:61

**FORGERY**

- Generally, §§ 8:63 to 8:71
- Corpus delicti, § 2:24
- Credit cards, § 9:25
- Defenses, § 8:70
- Defined, § 8:64
- Elements of offense
  - generally, §§ 8:65 to 8:70
  - defenses, § 8:70
  - false notarization, possession of, § 8:69
  - knowledge of instrument’s falsity, § 8:67
  - specific intent to defraud, § 8:68
  - three elements, § 8:65
  - true and genuine presentation, § 8:66
- False notarization, possession of, § 8:69

## INDEX

### **FORGERY—Cont'd**

- Knowledge of instrument's falsity,  
§ 8:67
- Overview, § 8:63
- Punishment, § 8:71
- Related offenses, § 8:75
- Specific intent to defraud, § 8:68
- True and genuine presentation,  
§ 8:66

### **FOURTH AMENDMENT**

- Medical marijuana, § 11:19

### **FRANCHISES**

- Investment fraud, § 9:31

### **FRAUD**

- Assets, fraudulently concealing or  
disposing of, § 9:16
- Brokers, agents and others, false  
statements by, § 9:20
- Business Fraud (this index)
- Computer crime, § 9:17
- Conflict of interests violations,  
§ 9:30
- Conspiracy, fraud as object of,  
§ 12:11
- Conveyances, fraudulent, § 9:19
- Credit Card Fraud (this index)
- Creditors, fraud against, § 9:15
- False personation, § 9:18
- False Pretenses, Theft by (this  
index)
- Financial condition, false state-  
ments about, § 9:21
- Franchise investment fraud, § 9:31
- Identity theft, § 9:22
- Insurance Fraud (this index)
- Manufacturers, fraudulent claims  
to, § 9:34
- Medi Cal fraud, § 9:29
- Miscellaneous fraud crimes under  
Penal Code, §§ 9:14 to 9:27
- Practicing medicine without a  
license, § 13:132
- Public officers, falsification of  
accounts, § 13:131
- Securities fraud, § 9:35
- Welfare fraud, §§ 9:28, 9:29

### **GAMBLING**

- Corpus delicti, § 2:25

### **GANG CRIMES AND STEPACT**

- Generally, §§ 12:45 to 12:62
- Active participation, defined,  
§ 12:49
- Aiding and abetting liability  
elements of proof, §§ 12:56 to  
12:58
- penalties, § 12:58
- Conspiracy liability  
elements of proof, § 12:59
- penalties, § 12:60
- Criminalizing participation in  
gangs  
generally, §§ 12:46 to 12:51
- active participation, defined,  
§ 12:49
- criminal street gang, defined,  
§ 12:48
- elements of proof, § 12:47
- pattern of criminal gang activ-  
ity, defined, § 12:50
- willfully promote, further or  
assist, defined, § 12:51
- Definitions  
active participation, § 12:49
- criminal street gang, § 12:48
- pattern of criminal gang activ-  
ity, § 12:50
- willfully promote, further or  
assist, § 12:51
- Elements of proof  
generally, § 12:47
- aiding and abetting liability,  
§ 12:57
- conspiracy liability, § 12:59
- Firearm enhancement statute and  
related firearms violations,  
§ 12:54
- Homicide, gang-related, as special  
circumstance, § 12:55
- Liability for acts of other gang  
members, § 3:9
- Loitering statutes, § 12:62
- Overview, § 12:45
- Pattern of criminal gang activity,  
defined, § 12:50
- Penalties  
generally, § 12:52
- aiding and abetting liability,  
§ 12:58

**GANG CRIMES AND STEP ACT  
—Cont'd**

- Penalties—Cont'd
  - conspiracy liability, § 12:60
  - Sentence enhancements, below
- Registration of gang members, § 12:61
- Sentence enhancements
  - generally, §§ 12:53 to 12:55
  - firearm enhancement statute and related firearms violations, § 12:54
  - special circumstance for gang-related homicide, § 12:55
- Special circumstance for gang-related homicide, § 12:55
- Willfully promote, further or assist, defined, § 12:51

**GRAND JURY**

- Perjury, grand jury proceedings, § 13:41

**GRAND THEFT**

- Larceny (this index)

**HABEAS CORPUS**

- Perjury, habeas corpus proceeding, § 13:45

**HATE CRIMES**

- Generally, §§ 6:44 to 6:46
- Case law, § 6:46
- Statutes, § 6:45

**HAZARDOUS SUBSTANCES**

- Environmental Crimes (this index)

**HIGH VOLTAGE**

- Overhead conductors, regulation of, § 10:15

**HOBBS ACT**

- Bribery (this index)

**HOMICIDE**

- Generally, §§ 5:1 to 5:67
- Attempted murder
  - generally, §§ 5:39 to 5:43
  - defenses, § 5:42
  - definition, §§ 5:39 to 5:41
  - felony murder, § 5:24
  - ineffectual acts vs. mere preparation, § 5:41

**HOMICIDE—Cont'd**

- Attempted murder—Cont'd
  - intent, § 5:40
  - punishment, § 5:43
- Car, discharging gun from, § 5:27
- Causation, defined, § 5:45
- Corpus delicti
  - generally, § 2:19
  - circumstantial evidence, use to establish, § 2:14
  - defined, § 5:10
- Death, defined, § 5:6
- Defenses
  - generally, §§ 5:57 to 5:66
  - attempted murder, § 5:42
  - Excusable homicide, below
  - Justifiable homicide, below
- Definitions
  - generally, §§ 5:4 to 5:10
  - causation, § 5:5
  - corpus delicti, § 5:10
  - death, § 5:6
  - human being or fetus, § 5:7
  - malice aforethought, §§ 5:8, 5:9
  - unlawful, § 5:4
- Deliberate and premeditated murder, § 5:12
- Duress in murder cases, § 4:16
- Excusable homicide
  - generally, §§ 5:57 to 5:59
  - heat of passion, § 5:59
  - lawful act and means, § 5:58
  - types, § 5:57
- Felony murder
  - Conspiracy (this index)
  - corpus delicti, § 2:9
  - first degree
    - generally, §§ 5:17 to 5:26
    - accomplice liability, § 5:22
    - alternative first degree murder theories, § 5:19
    - attempted felony murder, § 5:24
    - conspirator liability, § 5:22
    - felonies covered, § 5:17
    - limitations in applying rule, § 5:23
    - purpose and elements of rule, § 5:20

## INDEX

### **HOMICIDE—Cont'd**

- Felony murder—Cont'd
  - first degree—Cont'd
    - scope of liability, § 5:21
    - special circumstances, § 5:25
    - upheld by courts, § 5:26
    - victims covered, § 5:18
  - second degree
    - generally, §§ 5:31 to 5:38
    - aider and abettor, § 5:37
    - conspiracy, murder in pursu-  
ance of, § 5:36
    - felonies inherently dangerous  
to life, §§ 5:33, 5:34
    - felonies not inherently  
dangerous to life, § 5:35
- Fetus, defined, § 5:7
- First-degree murder
  - generally, §§ 5:11 to 5:30
  - categories, § 5:11
  - deliberate and premeditated  
murder, § 5:12
- Felony murder, first degree,  
above
- gun, discharging from car,  
§ 5:27
- punishment, § 5:30
- Statutory first degree murder,  
below
- weapons of mass destruction,  
§ 5:28
- Gang-related homicide, sentence  
enhancements, § 12:55
- Gun, discharging from car, § 5:27
- Heat of passion, § 5:59
- Human being, defined, § 5:7
- Justifiable homicide
  - generally, §§ 5:60 to 5:66
  - apprehension of criminals,  
§ 5:65
  - crime prevention, § 5:64
  - others, defense of, § 5:62
  - property, defense of, § 5:63
  - public officer, homicide by,  
§ 5:66
  - self-defense, § 5:61
  - situations and requirements,  
§ 5:60
- Lying in wait, § 5:16

### **HOMICIDE—Cont'd**

- Malice aforethought
  - generally, § 4:4
  - defined, §§ 5:8, 5:9
  - express and implied, § 5:8
- Manslaughter (this index)
- Murder, § 5:3
- Others, defense of, § 5:62
- Poisoning, § 5:14
- Property, defense of, § 5:63
- Provocative act murder, § 5:9
- Punishment
  - attempted murder, § 5:43
  - first-degree murder, § 5:30
  - second degree murder, § 5:38
- Second degree murder
  - punishment, § 5:38
- Second-degree murder
  - generally, §§ 5:31 to 5:38
  - covered murders, § 5:31
  - Felony murder, second degree,  
above
    - intent, § 5:32
- Self-defense, § 5:61
- Special circumstances
  - generally, § 5:29
  - felony murder, § 5:25
- Statutory first degree murder
  - generally, §§ 5:13 to 5:16
  - lying in wait, § 5:16
  - means of committing, § 5:13
  - poisoning, § 5:14
  - torture, § 5:15
- Suicide, § 5:67
- Torture, § 5:15
- Unlawful, defined, § 5:4
- Weapons of mass destruction,  
§ 5:28

### **HOSPITALS**

- Battery on hospital grounds,  
§ 6:22

### **HOSTAGES**

- Holding by prisoner, § 13:118

### **HUMAN TRAFFICKING**

- Generally, §§ 6:82, 7:52

**HUSBAND AND WIFE**

House of prostitution, placing wife or permitting placement, § 7:49

Non-consensual sex with spouse or another, § 7:7

**IDENTIFICATION OF ACCUSED**

Corpus delicti, § 2:5

**IDENTITY THEFT**

Generally, § 9:22

**ILLICIT RELATIONSHIP**

Abduction to live in, § 7:45

**IMMIGRATION**

Drug offenses, immigration consequences, § 11:57

**IMPERSONATION**

Police and government officials, § 13:127

**INCEST**

Generally, § 7:41

**INDECENT EXPOSURE**

Generally, §§ 7:62 to 7:64

Elements, § 7:62

Food and beverage establishments, § 7:63

Public demonstrations and exhibitions, § 7:64

**INDICTMENT AND INFORMATION**

Sexual assault cases, information, § 7:26

**INFORMANTS**

Drug Offenses (this index)

**INFRACTIONS**

Classification of crimes, § 1:2

**INSANITY**

Generally, §§ 4:35 to 4:40

Burden of proof, § 4:37

Competence to stand trial, § 4:40

Consequences, § 4:38

Conspiracy, insanity defense, § 12:32

Diminished capacity, § 4:39

**INSANITY—Cont'd**

Persuasion, burden of, § 2:40

Statutory scheme, § 4:36

**INSPECTIONS**

OSHA Violations (this index)

**INSTRUCTIONS TO JURY**

Corpus delicti

jury instruction requirement, § 2:31

prima facie standard, no jury instruction on, § 2:12

Cross reference table, CALCRIM to CALJIC, § App A

Embezzlement, fraudulent intent, § 8:32

Entrapment, § 4:50

Kidnapping, § 6:73

Larceny, specific intent requirements, § 8:14

Perjury (this index)

Sexual offenses, § 7:31

**INSURANCE FRAUD**

Generally, §§ 9:32, 9:33

Insurance Frauds Prevention Act, crimes under, § 9:32

Penal Code, crimes under, § 9:33

**INTENT**

Generally, §§ 1:14 to 1:18

Accomplice liability, § 3:5

Attempted murder, § 5:40

Criminal liability, basic requirement for, § 1:13

Criminal negligence, § 1:16

Environmental crimes, § 10:71

False pretenses, intent to defraud, § 9:4

General intent, § 1:14

Kidnapping (this index)

Larceny (this index)

Malice (this index)

Perjury (this index)

Second-degree murder, § 5:32

Specific intent

generally, § 1:14

attempts, § 3:11

Burglary (this index)

conspiracy, §§ 3:19, 12:6



## INDEX

### **INTENT—Cont'd**

- Specific intent—Cont'd
  - Kidnapping (this index)
  - Larceny (this index)
- Strict liability, § 1:17
- Unity of act and intent, § 1:18
- Willfully defined, § 4:2

### **INTIMIDATION OF WITNESSES**

- Generally, § 13:108

### **INTOXICATION**

- Bribery, intoxication defense, § 13:26
- Defense to assault and battery, §§ 6:31, 6:32
- Driving Under the Influence (this index)
- Public intoxication, § 11:80

### **INVOLUNTARY ACTS**

- Generally, § 1:10

### **JUDGES**

- Sentencing discretion, loss and restoration of, § 1:22

### **JUNK DEALERS**

- Metals used by public utilities, purchase by junk and secondhand dealers, § 8:45

### **JURISDICTION**

- Child abduction, § 6:79
- Drug offenses, § 11:2

### **JURY**

- Burden of proof, arguing to jury.
  - Burden of Proof (this index)
- Instructions to Jury (this index)
- Perjury, jury selection, § 13:40

### **KIDNAPPING**

- Generally, §§ 6:48 to 6:81
- Affirmative defenses
  - consent, § 6:67
  - duress, § 6:70
  - forcible taking to prevent child from imminent harm, § 6:69
  - lawful arrest, § 6:68
  - necessity, § 6:71

### **KIDNAPPING—Cont'd**

- Aggravated kidnapping
  - asportation, two-pronged rule, § 6:57
  - contrast between asportation requirements for simple and aggravated kidnapping, § 6:58
  - defined, § 6:50
  - sentencing, §§ 6:75, 6:76
  - specific intent, § 6:65
- Arrest, lawful, as affirmative defense, § 6:68
- Asportation
  - generally, §§ 6:55 to 6:60
  - aggravated kidnapping, two-pronged test, § 6:57
  - attempted kidnapping, § 6:60
  - contrast between rules for simple and aggravated kidnapping, § 6:58
  - Daniels rule, § 6:57
  - intended area of travel of victim, § 6:56
  - ransom or extortion, kidnapping for, § 6:59
  - Robbery, kidnapping for, below simple kidnapping, § 6:55
  - slight or trivial movement, § 6:55
- Attempted kidnapping
  - defined, § 6:51
  - specific intent, § 6:66
- Child, forcible taking to prevent imminent harm, § 6:69
- Child abduction
  - generally, §§ 6:77 to 6:81
  - adoption pending, § 6:78
  - jurisdiction, § 6:79
  - nature of offense, § 6:77
  - placement of child when found, § 6:80
  - punishment, § 6:81
- Consent defense, § 6:67
- Defenses. Affirmative defenses, above
- Definitions
  - aggravated kidnapping, § 6:50
  - attempted kidnapping, § 6:51
  - simple kidnapping, § 6:49

**KIDNAPPING—Cont'd**

Duress defense, § 6:70

Elements

generally, §§ 6:52 to 6:66

Asportation, above

Force or bodily harm, below

Intent, below

Extortion. Ransom or extortion,  
kidnapping for, below

Force or bodily harm

generally, §§ 6:52 to 6:54

ransom or extortion, kidnapping  
for, § 6:54

robbery, kidnapping for, § 6:53

simple kidnapping, § 6:52

Human trafficking, § 6:82

Intent

aggravated kidnapping, § 6:65

attempted kidnapping, § 6:66

simple kidnapping, § 6:64

Jury instructions, § 6:73

Lesser included offenses, § 6:72

Necessity defense, § 6:71

Ransom or extortion, kidnapping  
for

asportation, § 6:59

force or bodily harm, § 6:54

special California extortion pro-  
visions, § 8:93

Robbery, kidnapping for

asportation issues, §§ 6:61 to  
6:63

force or bodily harm, § 6:53

movement incidental to another  
crime, § 6:62

risk of harm, substantial  
increase, § 6:63

standstill robberies, § 6:61

Sentencing

generally, §§ 6:74 to 6:76

aggravated kidnapping, §§ 6:75,  
6:76

simple kidnapping, § 6:74

Simple kidnapping

asportation, § 6:55

contrast between asportation  
requirements for simple  
and aggravated kidnapp-  
ing, § 6:58

defined, § 6:49

**KIDNAPPING—Cont'd**

Simple kidnapping—Cont'd

force or bodily harm, § 6:52

intent, § 6:64

sentencing, § 6:74

slight or trivial movement,  
§ 6:55

Specific intent

aggravated kidnapping, § 6:65

attempted kidnapping, § 6:66

**LARCENY**

Generally, §§ 8:1 to 8:95

Aggregation of lesser thefts,  
§ 8:21

Another thief, theft from, § 8:7

Asportation, § 8:10

Circumstantial evidence, proving  
intent by, § 8:13

Consent defense, § 8:15

Co-owners or partners, theft by,  
§ 8:8

Defenses

generally, §§ 8:15 to 8:17

consent, § 8:15

intent to restore property to  
owner as mitigating factor,  
§ 8:17

mistake of fact, § 8:16

Elements

generally, § 8:2

asportation, § 8:10

personal property, § 8:5

Property of another person,  
below

Specific intent, below

taking, §§ 8:3, 8:4

Embezzlement distinguished,  
§ 8:25

Enhanced punishment for great  
takings, § 8:24

Grand theft

generally, §§ 8:20 to 8:22

aggregation of lesser thefts,  
§ 8:21

defined, § 8:20

person, grand theft from, § 8:22

Intent

mitigating factor, intent to  
restore property to owner,  
§ 8:17

## INDEX

### **LARCENY—Cont'd**

- Intent—Cont'd
  - Specific intent, below
- Jury instructions, specific intent requirements, § 8:14
- Lost property, theft of, § 8:9
- Mistake of fact, § 8:16
- Overview, § 8:1
- Partners or co-owners, theft by, § 8:8
- Person, grand theft from, § 8:22
- Petty theft, punishment, § 8:23
- Property of another person
  - generally, §§ 8:6 to 8:9
  - another thief, theft from, § 8:7
  - lost property, theft of, § 8:9
  - partners or co-owners, theft by, § 8:8
  - right of possession, § 8:6
- Punishment
  - generally, §§ 8:18 to 8:24
  - enhancements for great takings, § 8:24
  - petty theft, § 8:23
  - value and nature of property, § 8:19
- Specific intent to permanently deprive
  - generally, §§ 8:11 to 8:14
  - circumstantial evidence, proving intent by, § 8:13
  - intent at moment of taking, § 8:11
  - jury instructions, § 8:14
  - temporary use, taking for, § 8:12
- Taking
  - larceny by trick, § 8:4
  - trespassory taking, § 8:3
- Temporary use, taking for, § 8:12
- Trespassory taking, § 8:3
- Trick, larceny by, § 8:4
- Value and nature of property as determining punishment, § 8:19

### **LEGISLATURE**

- Perjury, legislative hearings, § 13:48

### **LESSER INCLUDED OFFENSES**

- Assault and Battery (this index)
- Kidnapping, § 6:72

### **LEWD AND LASCIVIOUS ACTS**

- Sexual Offenses (this index)

### **LICENSES**

- Drug offenses, licensing consequences, § 11:58
- Practicing medicine without a license, § 13:132

### **LIMITATION OF ACTIONS**

- Statutes of Limitation (this index)

### **LOITERING**

- Gangs, § 12:62

### **LYING IN WAIT**

- Statutory first degree murder, § 5:16

### **MALICE**

- Generally, §§ 4:3 to 4:6
- Aforethought
  - defined, §§ 4:3 to 4:6
  - express malice, § 4:5
  - homicide, applicability to, § 4:4
  - implied malice, § 4:6
- Definitions
  - malice aforethought, §§ 4:3 to 4:6, 5:8, 5:9
  - malice and maliciously, §§ 4:3 to 4:6
- Express malice aforethought, §§ 4:5, 5:8
- Implied malice aforethought, §§ 4:6, 5:9
- Manslaughter (this index)

### **MANSLAUGHTER**

- Generally, §§ 5:44 to 5:56
- Attempted voluntary manslaughter, § 5:53
- Cooling off period, § 5:51
- Definitions
  - human being, § 5:46
  - killing, § 5:45
  - unlawful, § 5:45
  - without malice, § 5:47

**MANSLAUGHTER—Cont'd**

Diminished capacity and reduction  
from murder to manslaughter,  
§ 5:18

Elements, § 5:44

Honest but unreasonable belief in  
necessity of killing, § 5:52

Human being defined, § 5:46

Involuntary manslaughter, § 5:54

Killing defined, § 5:45

Malice

lack of malice, characterized by,  
§ 5:49

without malice defined, § 5:47

Provocation, sufficiency, § 5:50

Unlawful defined, § 5:45

Vehicular manslaughter

generally, §§ 5:55, 5:56

gross vehicular manslaughter  
while intoxicated, § 5:56

types of, § 5:55

Voluntary manslaughter

generally, §§ 5:49 to 5:53

attempted voluntary manslaugh-  
ter, § 5:53

cooling off period, § 5:51

honest but unreasonable belief  
in necessity of killing,  
§ 5:52

lack of malice, characterized by,  
§ 5:49

provocation, sufficiency, § 5:50

**MANUFACTURER**

Fraudulent claims to, § 9:34

**MARIJUANA**

Drug Offenses (this index)

Medical Marijuana (this index)

**MARRIAGE**

Perjury, marriage certificate,  
§ 13:51

**MEDICAL FRAUD**

White collar crime, § 9:29

**MEDICAL MARIJUANA**

Generally, § 4:65

Criminal charges, defense, § 11:16

Defense

criminal charges, § 11:16

**MEDICAL MARIJUANA**

—Cont'd

Defense—Cont'd

state necessity defense, § 11:21

Federal charges, § 11:17

Fourth Amendment, § 11:19

Necessity defense, § 11:21

Probation violations, § 11:20

Scope of Compassionate Use Act,  
§ 11:18

State necessity defense, § 11:21

Summary of marijuana laws,  
§ 11:23

**MEDICINE**

Practicing without a license,  
§ 13:132

**MISAPPROPRIATION**

Public officers, § 13:131

**MISDEMEANORS**

Classification of crimes, § 1:2

OSHA Violations (this index)

**MISTAKE OF FACT**

Generally, §§ 4:7 to 4:13

Age, mistake in cases involving  
persons under 18, § 4:12

Larceny defense, § 8:16

Law and fact mistakes  
distinguished, § 4:13

Negligence offenses, § 4:8

Parameters of defense, § 4:7

Perjury, defense to, § 13:77

Possession of property, mistake in,  
§ 4:10

Sex crimes involving adults,  
mistake regarding consent,  
§ 4:11

Specific situations, §§ 4:8 to 4:13

Strict liability offenses, § 4:9

**MONEY LAUNDERING**

Generally, § 9:64

Conspiracy to commit, § 9:65

**MURDER**

Homicide (this index)

**NARCOTICS**

Drug Offenses (this index)

## INDEX

### NECESSITY

- Defense
  - generally, §§ 4:17, 4:18
  - conspiracy, § 12:28
  - kidnapping, § 6:71
  - medical marijuana, § 11:21
  - perjury, § 13:78
- Defined, §§ 4:17, 4:18
- Medical marijuana, state necessity defense, § 11:21
- Persuasion, burden of, § 2:42
- Specific cases, § 4:18

### NEGLIGENCE

- Criminal Negligence (this index)

### NOTARIES PUBLIC

- False notarization, possession of, forgery, § 8:69
- Perjury, acknowledgment before notary public, § 13:50

### OATHS

- Perjury (this index)

### OBSCENITY

- Pornography and Obscenity (this index)

### OBSTRUCTION OF JUSTICE

- Generally, § 13:107

### OMISSION

- Act or Omission (this index)

### ORAL COPULATION

- Generally, § 7:10

### OSHA VIOLATIONS

- Generally, §§ 10:1 to 10:11
- Asbestos-related criminal sanctions, § 10:13
- Basic provisions of Cal OSHA, § 10:2
- California Corporate Criminal Liability Act (this index)
- Crane certification process, penalties for violations, § 10:14
- Criminal prosecutions under Cal OSHA, § 10:3
- Criminal violations under Cal OSHA
  - generally, §§ 10:4 to 10:11
  - Felony charges, below

### OSHA VIOLATIONS—Cont'd

- Criminal violations under Cal OSHA—Cont'd
  - Misdemeanor charges, below
- Environmental Crimes (this index)
- False statements, penalties for, § 10:12
- Felony charges
  - generally, §§ 10:8 to 10:11
  - prolonged impairment, § 10:10
  - who may be charged, § 10:11
  - willful violation, § 10:9
- High voltage overhead conductors, regulation of, § 10:15
- Inspections
  - generally, §§ 10:28 to 10:38
  - checklist
    - generally, §§ 10:32 to 10:38
    - closing conference, during and after, §§ 10:37, 10:38
    - during inspection, § 10:35
    - planning and preparation before inspection, § 10:33
    - reminder of company policy, § 10:32
    - serious accidents, § 10:36
    - when inspector arrives, § 10:34
  - closing conference, during and after, §§ 10:37, 10:38
  - due process issues concerning access for inspections, § 10:31
  - planning and preparation before inspection, § 10:33
  - serious injury or fatality, special concerns following, § 10:30
  - triggering inspections, § 10:28
  - what employer and supervisors should do during inspections, § 10:29
- Knowing or negligent violation, § 10:5
- Misdemeanor charges
  - generally, §§ 10:4 to 10:7
  - knowing or negligent violation, § 10:5

**OSHA VIOLATIONS—Cont'd**

- Misdemeanor charges—Cont'd
  - serious violation, § 10:6
  - who may be charged, § 10:7
- Other safety-related violations
  - asbestos-related criminal sanctions, § 10:13
  - crane certification process, penalties for violations, § 10:14
  - false statements, penalties for, § 10:12
  - high voltage overhead conductors, regulation of, § 10:15
- Overview, § 10:2
- Prolonged impairment, § 10:10
- Serious injury or fatality
  - serious accident checklist, § 10:36
  - special concerns following, § 10:30
- Serious violation, § 10:6
- Who may be charged
  - felony charges, § 10:11
  - misdemeanors, § 10:7
- Willful violation, § 10:9

**OVERBREADTH**

- Generally, § 1:7

**PANDERING AND PIMPING**

- Prostitution, Pimping and Pandering (this index)

**PARKS**

- Assault in public park, § 6:11
- Battery on park property, § 6:22
- Drug offenses, sentence enhancements, § 11:54

**PARTNERSHIPS**

- Embezzlement by partner, § 8:30
- Funds of partnership, theft of, § 9:11
- Larceny by partner, § 8:8

**PEACE OFFICERS**

- False complaints against, § 13:126

**PERJURY**

- Generally, § 13:31 et seq.

**PERJURY—Cont'd**

- Absence of opportunity for clarification by examiner, § 13:58
- Accusatory pleading, § 13:92
- Affidavits
  - delivery requirement, § 13:34
  - search warrant affidavit, § 13:47
- Affirmative statements and omissions, § 13:33
- Aggravating factor, perjury at trial as, § 13:103
- Attempted subornation
  - generally, § 13:72
  - attorneys' attempts, § 13:73
- Averment of truth not required, § 13:59
- Awareness that statement was made under penalty of perjury, § 13:63
- Belief or recollection, statement of, § 13:60
- Burden of proof, § 13:75
- Capital punishment for procuring execution, § 13:102
- Certificate, delivery requirement, § 13:34
- Civil liability, § 13:104
- Civil pleading, § 13:44
- Collateral estoppel, § 13:79
- Confrontation, right of, § 13:90
- Constitutional issues, § 13:75
- Contempt citation as former jeopardy, § 13:81
- Corroborating evidence, § 13:87
- Covered proceedings
  - generally, §§ 13:39 to 13:51
  - civil pleading, § 13:44
  - declaration filed with court, § 13:43
  - deposition, § 13:46
  - grand jury proceedings, § 13:41
  - habeas corpus proceeding, § 13:45
  - jury selection, § 13:40
  - legislative hearings, § 13:48
  - marriage certificate, § 13:51
  - notary public, acknowledgment before, § 13:50

## INDEX

### **PERJURY—Cont'd**

- Covered proceedings—Cont'd
  - preliminary hearing, § 13:42
  - public assistance, proceedings to obtain, § 13:49
  - search warrant affidavit, § 13:47
- Declaration filed with court, § 13:43
- Defenses
  - generally, §§ 13:75 to 13:83
  - burden of proof, § 13:75
  - collateral estoppel, § 13:79
  - constitutional issues, § 13:75
  - contempt citation as former jeopardy, § 13:81
  - inadmissibility of testimony, § 13:83
  - incompetency of defendant, § 13:83
  - mistake of fact, § 13:77
  - necessity, § 13:78
  - recantation, § 13:82
  - special statute supplanting general perjury statute, § 13:80
  - statute of limitations, § 13:76
- Delivery requirement for deposition, affidavit, or certificate, § 13:34
- Depositions
  - covered proceedings, § 13:46
  - delivery requirement, § 13:34
- Direct vs. circumstantial evidence, § 13:86
- Double negative, § 13:56
- Elements of offense
  - generally, §§ 13:32 to 13:69
  - affirmative statements and omissions, § 13:33
- Covered proceedings, above delivery requirement for deposition, affidavit, or certificate, § 13:34
- Falsity, below
- Intent, below
- Materiality, below
- Under oath, below
- Evidentiary issues
  - generally, §§ 13:84 to 13:91

### **PERJURY—Cont'd**

- Evidentiary issues—Cont'd
  - confrontation, right of, § 13:90
  - corroborating evidence, § 13:87
  - direct vs. circumstantial evidence, § 13:86
  - multiple false statements alleged, § 13:89
  - pretrial proceedings, standard of proof, § 13:88
  - previous proceeding, evidence from, § 13:90
  - self-incrimination, § 13:91
  - statutory provisions, § 13:85
  - strict proof requirements, § 13:84
- Falsity
  - generally, §§ 13:52 to 13:61
  - absence of opportunity for clarification by examiner, § 13:58
  - avowal of truth not required, § 13:59
  - belief or recollection, statement of, § 13:60
  - double negative, § 13:56
  - grammatically correct but misleading answer, § 13:55
  - knowledge of, § 13:64
  - literal truth, §§ 13:52, 13:53
  - outcome of previous proceeding, effect of, § 13:61
  - partial disclosure, § 13:57
  - question or response subject to varying interpretations, § 13:54
- Familiarity with subject matter, § 13:65
- Grammatically correct but misleading answer, § 13:55
- Grand jury proceedings, § 13:41
- Habeas corpus proceeding, § 13:45
- Honest mistake, § 13:64
- Incompetency of defendant, § 13:83
- Intent
  - generally, §§ 13:62 to 13:67



**PERJURY—Cont'd**

Intent—Cont'd

awareness that statement was made under penalty of perjury, § 13:63  
familiarity with subject matter, § 13:65  
honest mistake, § 13:64  
jury instructions, § 13:96  
knowledge of falsity, § 13:64  
materiality of statement, knowledge of, § 13:66  
recantation, effect of, § 13:67  
specific intent, § 13:62

Jury instructions

generally, §§ 13:95 to 13:98  
intent, § 13:96  
materiality, § 13:97  
proof requirements, § 13:98  
standard instructions, § 13:95

Jury selection, § 13:40

Knowledge

falsity, § 13:64  
materiality, § 13:66

Legislative hearings, § 13:48

Literal truth, §§ 13:52, 13:53

Marriage certificate, § 13:51

Materiality

generally, §§ 13:68, 13:69  
jury instructions, § 13:97  
knowledge of materiality of statement, § 13:66  
question of law or fact, § 13:69  
test for materiality, § 13:68

Mistake of fact, § 13:77

Multiple false statements alleged, § 13:89

Necessity defense, § 13:78

Notary public, acknowledgment before, § 13:50

Oath. Under oath, below

Obstruction of justice, § 13:107

Outcome of previous proceeding, effect of, § 13:61

Partial disclosure, § 13:57

Preliminary hearing, § 13:42

Pretrial proceedings, standard of proof, § 13:88

**PERJURY—Cont'd**

Previous proceeding

effect of outcome, § 13:61  
evidence from, § 13:90

Proof

jury instructions, § 13:98  
multiple false statements alleged, § 13:89  
solicitation of perjury, § 13:94  
standard of proof at pretrial proceedings, § 13:88  
strict proof requirements, § 13:84  
subornation of perjury, § 13:93

Prosecution and procedure

generally, §§ 13:92 to 13:98  
accusatory pleading, § 13:92  
Jury instructions, above  
solicitation, proof requirements, § 13:94

subornation, proof requirements, § 13:93

Public assistance, proceedings to obtain, § 13:49

Punishment

generally, §§ 13:99 to 13:105  
aggravating factor, perjury at trial as, § 13:103  
capital punishment for procuring execution, § 13:102  
civil liability, § 13:104  
equal protection, § 13:105  
multiple punishment problems, § 13:101  
perjury and subornation, § 13:99  
restitution, seeking, § 13:105  
solicitation, § 13:100

Question or response subject to varying interpretations, § 13:54

Recantation

defense of, § 13:82  
intent, effect on, § 13:67

Recollection or belief, statement of, § 13:60

Restitution, seeking, § 13:105

Reswearing, § 13:37

Search warrant affidavit, § 13:47

Self-incrimination, § 13:91

## INDEX

### **PERJURY—Cont'd**

- Solicitation of perjury
  - generally, § 13:74
  - proof, § 13:94
  - punishment, § 13:100
- Special statute supplanting general perjury statute, § 13:80
- Specific intent, § 13:62
- Statute of limitations, § 13:76
- Subject matter, familiarity with, § 13:65
- Subornation of perjury
  - generally, §§ 13:70 to 13:73
  - actual commission of perjury, § 13:71
  - attempted subornation, § 13:73
  - attorneys' attempts to suborn perjury, § 13:73
  - elements of offense, § 13:70
  - proof requirements, § 13:93
  - punishment, § 13:99
  - witness as accomplice, liability of, § 13:71
- Successive days of testimony, § 13:37
- Tribunal, officer, or person before whom oath is taken, § 13:38
- Under oath
  - generally, §§ 13:35 to 13:51
  - administering oath, § 13:36
  - Covered proceedings, above relevance of authority of person administering oath and situation for which oath administered, § 13:35
  - reswearing, § 13:37
  - successive days of testimony, § 13:37
  - tribunal, officer, or person before whom oath is taken, § 13:38
- Witness as accomplice, liability of, § 13:71

### **PERSON**

- Grand theft from, § 8:22

### **PERSUASION**

- Burden of persuasion. Burden of Proof (this index)

### **PETTY THEFT**

- Punishment, § 8:23

### **PIMPING**

- Prostitution, Pimping and Pandering (this index)

### **PLEADINGS**

- Perjury, civil pleading, § 13:44

### **POISONING**

- Statutory first degree murder, § 5:14

### **PORNOGRAPHY AND OBSCENITY**

- Generally, §§ 7:54 to 7:61
- Children
  - obscene matter depicting child under 18, § 7:56
  - using child to produce obscene matter, § 7:57
- Defenses to obscenity offenses, § 7:60
- Definition, § 7:54
- Distributing obscene matter, § 7:55
- Harmful matter, § 7:61
- Live conduct, obscene, § 7:58
- Telephone conversations, § 7:59
- Text messages, § 7:59

### **PREEMPTION**

- Generally, § 1:6
- Antitrust violations, § 9:55
- California Corporate Criminal Liability Act (this index)

### **PRELIMINARY HEARING**

- Perjury, § 13:42

### **PRESUMPTIONS**

- Persuasion, burden of. Burden of Proof (this index)

### **PRINCIPALS, ACCOMPLICES, AND ACCESSORIES**

- Generally, §§ 3:2 to 3:9
- Accessories, § 3:8
- Accomplices
  - Bribery (this index)
  - corroboration requirement, § 3:4

**PRINCIPALS, ACCOMPLICES,  
AND ACCESSORIES**

**—Cont'd**

- Accomplices—Cont'd
  - criminal intent requirement, § 3:5
  - defined, § 3:3
  - Extrajudicial statements and testimony, § 2:17
  - felony murder, accomplice liability, § 5:22
  - perjury, subornation of, liability of witness as accomplice, § 13:71
- Aider and abettor and principal, no distinction between, § 3:2
- Aiding and Abetting (this index)
- Drug Offenses (this index)
- Gang members, § 3:9
- Natural and probable consequences, liability for, § 3:6
- Perjury, subornation of, liability of witness as accomplice, § 13:71

**PRIOR OFFENSES**

- Admissibility, entrapment defense, § 4:51

**PRISONERS**

- Assault by convict
  - aggravated assault
    - life prisoner, § 13:113
    - prisoner for less than life, § 13:114
  - battery and mayhem during riot, § 13:119
  - deadly weapon or force likely to produce great bodily injury, use of, §§ 6:12, 6:13
  - not serving life sentence, § 6:13
  - serving life sentence, § 6:12
- Battery and mayhem during riot, § 13:119
- Cell phones, smuggling into prison, § 13:117
- Contraband, smuggling into prison, § 13:117
- Custodial officer, battery on, § 13:112

**PRISONERS—Cont'd**

- Discharged prisoner, extortion of, § 8:94
- Escape (this index)
- Gassing, battery and aggravated battery by, § 13:115
- Hostage holding, § 13:118
- Mayhem during riot, assault, battery and, § 13:119
- Peace officers, false complaints against, § 13:126
- Riot, assault, battery and mayhem during, § 13:119
- Smuggling cell phones and contraband into prison, § 13:117
- Threatening officials, § 13:125
- Weapon, possession or manufacture in penal institution, § 13:116

**PRIVACY**

- Invasion of, sexual offenses, § 7:65

**PROBATION**

- Drug Offenses (this index)
- Medical marijuana, § 11:20

**PROCESS**

- False court process, § 8:92

**PRODUCTION**

- Burden of production. Burden of Proof (this index)

**PROPERTY, DEFENSE OF**

- Generally, § 5:63

**PROPOSITION 36**

- Drug Offenses (this index)

**PROSTITUTION, PIMPING AND  
PANDERING**

- Generally, §§ 7:43 to 7:51
- Abduction
  - fraudulent inducement, § 7:44
  - illicit relationship, abduction to live in, § 7:45
- House of prostitution
  - admitting or keeping minor in, § 7:51
  - prevailing on person to visit, § 7:50

## INDEX

### **PROSTITUTION, PIMPING AND PANDERING—Cont'd**

- Illicit relationship, abduction to live in, § 7:45
- Immoral purposes
  - placing person for, § 7:47
  - sale of person for, § 7:48
- Prevailing on person to visit place of prostitution, § 7:50
- Procurement by fraudulent inducement for prostitution, § 7:44
- Purchasing person for purposes of prostitution or placing person for immoral purposes, § 7:47
- Receiving money for placing person for purposes of cohabitation, § 7:46
- Wife, placing or permitting placement in house of prostitution, § 7:49

### **PUBLIC ASSISTANCE**

- Perjury, proceedings to obtain assistance, § 13:49

### **PUBLIC HEALTH AND SAFETY**

- Corporate criminal liability for crimes against, § 3:28

### **PUBLIC INTOXICATION**

- Alcohol crimes, § 11:80

### **PUBLIC OFFICERS**

- Assault against, § 6:4
- Battery against, § 6:21
- Bribery, request or acceptance, § 13:8
- Conspiracy, crimes against public officials, § 12:13
- Embezzlement by, § 13:131
- Falsification of accounts, § 13:131
- Impersonation of police and government officials, § 13:127
- Justifiable homicide, § 5:66
- Misappropriation by, § 13:131
- School district officials, § 13:130

### **PUBLIC UTILITIES**

- Metals used by public utilities, purchase by junk and secondhand dealers, § 8:45

### **PUNISHMENT**

- Sentence and Punishment (this index)

### **RAPE**

- Generally, §§ 7:2 to 7:6
- Acts constituting, § 7:2
- Assault with intent to commit rape, §§ 6:5, 7:8
- Corpus delicti, § 2:27
- Defenses to crimes of sexual assault. Sexual Offenses (this index)
- Forcible rape
  - Generally, § 7:3
  - in concert, § 7:4
- Non-consensual sex with spouse or another, § 7:7
- Practice and procedure in sexual assault cases. Sexual Offenses (this index)
- Statutory rape, § 7:6

### **RECORDING**

- False documents, § 13:106

### **REGISTRATION**

- Drug offenders, § 11:59
- Gang members, § 12:61
- Sexual offenders, § 7:33

### **REHABILITATION**

- Drug offenders, § 1:21

### **RESISTING ARREST**

- Arrest (this index)

### **RESTITUTION**

- Perjury, requirement that restitution be sought, § 13:105

### **RETAILERS**

- Credit card fraud, § 9:27

### **RIOT**

- Prisoners, assault, battery and mayhem during, § 13:119

### **ROBBERY**

- Generally, §§ 6:83 to 6:105
- Asportation, § 6:91
- Attempted robbery
  - generally, § 6:86
  - punishment, § 6:103

**ROBBERY—Cont'd**

- Burglary statutes, relevance of, § 6:87
- Carjacking
  - generally, §§ 6:104, 6:105
  - punishment, § 6:105
- Constructive possession of property, § 6:94
- Corpus delicti, § 2:28
- Defined, § 6:84
- Elements
  - generally, §§ 6:88 to 6:99
  - Felonious taking, below
  - Force or fear, below
  - Personal property in possession of another, below
  - possessor's person or immediate presence, taking from, § 6:95
- Fear. Force or fear, below
- Felonious taking
  - asportation, § 6:91
  - intent to steal, § 6:92
  - taking, § 6:90
  - three findings required, § 6:89
- First degree robbery
  - generally, § 6:85
  - punishment, §§ 6:100, 6:101
- Force or fear
  - generally, §§ 6:96 to 6:99
  - after initial taking (Estes robbery), § 6:99
  - fear, § 6:98
  - force, § 6:97
- Intent to steal, § 6:92
- Overview, § 6:83
- Personal property in possession of another
  - generally, §§ 6:93, 6:94
  - constructive possession, § 6:94
  - type and value of property, § 6:93
- Possessor's person or immediate presence, taking from, § 6:95
- Punishment
  - generally, §§ 6:100 to 6:103
  - attempted robbery, § 6:103
  - carjacking, § 6:105

**ROBBERY—Cont'd**

- Punishment—Cont'd
  - first degree robbery
    - generally, §§ 6:100, 6:101
    - in concert, § 6:101
  - first degree robbery in concert, § 6:101
  - second degree robbery, § 6:102
- Second degree robbery
  - generally, § 6:85
  - punishment, § 6:102
- Taking. Felonious taking, above

**SAFETY-RELATED VIOLATIONS**

- OSHA Violations (this index)

**SCHOOLS**

- Assault on school property, § 6:11
- Battery on school property or against school employee, § 6:20
- Crimes by school district officials, § 13:130
- Drug offenses, schoolyard enhancements, § 11:53

**SEARCH AND SEIZURE**

- Environmental Crimes (this index)
- Perjury, search warrant affidavit, § 13:47

**SECONDHAND DEALERS**

- Stolen Property Crimes (this index)

**SECURITIES FRAUD**

- Generally, § 9:35

**SELF-DEFENSE**

- Generally, §§ 4:19 to 4:31
- Both subjective and objective reasonableness required, § 4:23
- Case law, § 4:21
- Dissipation of initial threat of harm, § 4:30
- Fear alone as motivation for defendant's actions, § 4:28
- Force
  - amount of force, reasonableness under circumstances, § 4:25

## INDEX

### **SELF-DEFENSE—Cont'd**

- Force—Cont'd
  - limitations on right to use, §§ **4:27 to 4:30**
  - perceived need to resort to force, § **4:24**
- General requirements
  - generally, §§ **4:19 to 4:21**
  - case law, § **4:21**
  - statutory provisions, § **4:20**
- Imperfect self-defense doctrine, § **4:26**
- Initiator of violence, limited right to resort to force, § **4:29**
- Objective reasonableness
  - generally, §§ **4:23 to 4:5**
  - amount of force, reasonableness under circumstances, § **4:25**
  - both subjective and objective reasonableness required, § **4:23**
  - perceived need to resort to force, § **4:24**
- Past conduct with victim and victim's associates, role of, § **4:31**
- Perceived need to resort to force, § **4:24**
- Statutory provisions, § **4:20**
- Subjective honesty, § **4:22**

### **SELF-INCRIMINATION**

- Perjury, § **13:91**

### **SENTENCE AND PUNISHMENT**

- Generally, §§ **1:19 to 1:23**
- Arson (this index)
- Assault and battery, § **6:37**
- Burglary, § **8:61**
- Business fraud, § **9:13**
- Conspiracy, §§ **12:16, 12:17**
- Counterfeiting, § **8:74**
- Determinate sentencing law, § **1:20**
- Drug Offenses (this index)
- Effects of criminal conviction, § **1:23**
- Embezzlement, § **8:36**
- Extortion, § **8:95**
- Forgery, § **8:71**

### **SENTENCE AND PUNISHMENT—Cont'd**

- Gang Crimes and STEP Act (this index)
- Homicide (this index)
- Judge's loss and restoration of discretion, § **1:22**
- Kidnapping (this index)
- Larceny (this index)
- Narcotics offenders, rehabilitation as goal, § **1:21**
- Perjury (this index)
- Proposition 36, § **1:21**
- Punishment as primary purpose, § **1:20**
- Robbery (this index)
- Sexual offenses, § **7:32**
- Status enhancements and corpus delicti doctrine, § **2:29**

### **SEVERANCE**

- Conspiracy charges, § **12:38**

### **SEXUAL OFFENSES**

- Generally, §§ **7:1 to 7:66**
- Aggravated sexual assault, children, § **7:37**
- Alcohol, use of, § **7:18**
- Animals, sexually assaulting, § **7:53**
- Arrest, threat of, as establishing lack of consent, § **7:20**
- Bigamy, § **7:42**
- Birth control device, request to use, § **7:24**
- California Sexually Violent Predator Act, § **7:66**
- Character evidence, § **7:28**
- Children, crimes against
  - aggravated sexual assault, § **7:37**
  - contacting minor with intent to commit sexual offense, § **7:38**
  - continuous sexual abuse of child, § **7:36**
  - contracts for payments to minor by abuser, § **7:39**
  - lewd or lascivious act with child generally, § **7:34**

**SEXUAL OFFENSES—Cont'd**

Children, crimes against—Cont'd  
 lewd or lascivious act with child  
   —Cont'd  
     child provided for act with  
       another, § 7:35  
     statute of limitations, extending  
       in child abuse cases, § 7:40  
 Consent, lack of, factors establish-  
   ing  
     generally, §§ 7:13 to 7:21  
     arrest, threat of, § 7:20  
     deportation, threat of, § 7:20  
     drugs or alcohol, use of, § 7:18  
     fraud, § 7:17  
     incapacity to consent, § 7:21  
     lack of consent as element of  
       crime, § 7:13  
     retaliation, fear of, § 7:16  
     threat or force, use of, § 7:14  
     unconsciousness, § 7:19  
 Consent defense  
     generally, §§ 7:22 to 7:24  
     birth control device, request to  
       use, § 7:24  
     consent operative at moment of  
       initial penetration, § 7:22  
     reasonable good faith belief in  
       consent, § 7:23  
 Contacting minors with intent to  
   commit, § 7:38  
 Continuous sexual abuse of child,  
   § 7:36  
 Defenses  
     Consent defense, above  
     other defenses, § 7:25  
 Deportation, threat of, as  
   establishing lack of consent,  
   § 7:20  
 Drugs, use of, § 7:18  
 Evidentiary issues  
     generally, §§ 7:27 to 7:30  
     character evidence, § 7:28  
     hearsay exceptions, § 7:29  
     other types of evidence, § 7:30  
     uncorroborated testimony of  
       victim, § 7:27  
 Fraud as establishing lack of  
   consent, § 7:17

**SEXUAL OFFENSES—Cont'd**

Good faith belief in consent,  
   § 7:23  
 Hearsay exceptions, § 7:29  
 Human trafficking, § 7:52  
 Incapacity to consent, § 7:21  
 Incest, § 7:41  
 Indecent Exposure (this index)  
 Information, § 7:26  
 Intent requirements, § 7:12  
 Invasion of privacy, § 7:65  
 Jury instructions, § 7:31  
 Lewd or lascivious act with child  
   generally, § 7:34  
   providing child for act with  
     another, § 7:35  
 Mistake regarding consent, crimes  
   involving adults, § 4:11  
 Oral copulation, § 7:10  
 Payments to minor by abuser,  
   contracts for, § 7:39  
 Penetration by foreign or unknown  
   object, § 7:11  
 Pornography and Obscenity (this  
   index)  
 Practice and procedure  
     generally, §§ 7:26 to 7:33  
     Evidentiary issues, above  
     information, § 7:26  
     jury instructions, § 7:31  
     registration requirements, sex  
       offenders, § 7:33  
     sentencing, § 7:32  
 Predators, § 7:66  
 Proof of sex crimes  
     Consent, lack of, above  
     intent requirements, § 7:12  
 Prostitution (this index)  
 Rape (this index)  
 Registration requirements, sex  
   offenders, § 7:33  
 Retaliation, fear of, § 7:16  
 Sentencing, § 7:32  
 Sexual abuse, corpus delicti,  
   § 2:10  
 Sexual battery, § 6:19  
 Sodomy, § 7:9  
 Statute of limitations, extending in  
   child abuse cases, § 7:40  
 Threat or force, use of, § 7:14



## INDEX

### **SEXUAL OFFENSES—Cont'd**

- Unconsciousness, § 7:19
- Victim's testimony, uncorroborated, § 7:27

### **SHOPLIFTING**

- Theft, § 8:62

### **SIGNATURES**

- Extorting signature to transfer property, § 8:90

### **SMUGGLING**

- Cell phones and contraband into prison, § 13:117

### **SODOMY**

- Generally, § 7:9

### **SOLICITATION**

- Generally, § 3:13

### **SPECIFIC INTENT**

- Intent (this index)

### **STALKING**

- Generally, § 6:47

### **STATE OF MIND**

- Proof of, § 2:6

### **STATUTES**

- Construction of statutes, § 1:3

### **STATUTES OF LIMITATION**

- Antitrust violations, § 9:54
- Assault and battery, § 6:36
- Child abuse cases, extending statute in, § 7:40
- Conspiracy, § 12:26
- Perjury, § 13:76

### **STOLEN PROPERTY CRIMES**

- Generally, §§ 8:37 to 8:46
- Attempt crimes, § 8:42
- Civil liability, § 8:41
- Collectors, provisions applicable to, § 8:43
- Construction equipment, stolen, purchase of, § 8:46
- Criminal penalties, § 8:41
- Elements of offense, § 8:37
- Knowledge that property is stolen, § 8:39

### **STOLEN PROPERTY CRIMES**

#### **—Cont'd**

- Metals used by public utilities, purchase by junk and secondhand dealers, § 8:45
- Multiple convictions involving one item or group of items, § 8:38
- Other state, property stolen or embezzled in, § 8:40
- Secondhand dealers
  - provisions applicable to, § 8:43
  - purchase of metals used by public utilities, § 8:45
- Swap meet vendors, provisions applicable to, § 8:43
- Used book dealers, provisions applicable to, § 8:44
- Vehicles, stolen, purchase of, § 8:46

### **STRICT LIABILITY**

- Generally, § 1:17
- Mistake of fact defense, § 4:9

### **STUN GUN**

- Use of, § 6:10

### **SUICIDE**

- Generally, § 5:67

### **SUPPRESSION OF EVIDENCE**

- Drug offense cases, § 11:64

### **SWAP MEET VENDORS**

- Stolen property provisions applicable to, § 8:43

### **TASER**

- Use of, § 6:10

### **TAX CRIMES**

- Generally, §§ 9:58 to 9:63
- Corporate criminal tax violations, § 9:62
- Defenses, § 9:63
- Personal income tax violations
  - generally, §§ 9:59 to 9:61
  - failure to pay or underpayment, § 9:60
  - refund, improperly filing for, § 9:61

**THEFT CRIMES**

- Burglary (this index)
- Counterfeiting (this index)
- Embezzlement (this index)
- Extortion (this index)
- False Pretenses, Theft by (this index)
- Forgery (this index)
- Larceny (this index)
- Shoplifting, § 8:62
- Stolen Property (this index)

**THREATS**

- Criminal threats, § 6:43
- Extortion (this index)
- Officials, threatening, § 13:125
- Witness intimidation, § 13:108

**TORTURE**

- Statutory first degree murder, § 5:15

**USED BOOK DEALERS**

- Stolen property provisions applicable to, § 8:44

**VAGUENESS**

- Constitutional Law (this index)

**VEHICLES**

- Burglary, § 8:54
- Stolen vehicles, purchase of, § 8:46
- Vehicular manslaughter. Manslaughter (this index)

**VENUE**

- Conspiracy, § 12:15

**VERDICT**

- Conspiracy, § 12:39

**VICARIOUS LIABILITY**

- Generally, § 1:12

**WATER POLLUTION VIOLATIONS**

- Generally, § 10:52

**WATSON ADVISEMENT**

- Drug and alcohol offenses, § 11:79

**WEAPONS OF MASS DESTRUCTION**

- First degree murder, § 5:28

**WEAPONS OFFENSES**

- Generally, § 6:40
- Deadly weapon use. Assault and Battery (this index)
- Firearms (this index)
- Possession or manufacture of weapon in penal institution, § 13:116

**WELFARE FRAUD**

- Generally, § 9:28
- Medi Cal fraud, § 9:29

**WHITE COLLAR CRIMES**

- Generally, §§ 9:1 to 9:65
- Antitrust Violations (this index)
- Business Fraud (this index)
- False Pretenses, Theft by (this index)
- Fraud (this index)
- Money Laundering (this index)
- Tax Crimes (this index)

**WILLFULLY**

- Defined, § 4:2

**WITNESS INTIMIDATION**

- Generally, § 13:108