

Mitchell Hamline School of Law

**International Comparative Criminal Law - Business Fraud:
From the School, to the to the Conspiracy, to the Crime,
to the Courtroom**

**The United States, Britain, Turkey and International:
Comparison, Evaluation, Critique**

The Lawyer and the Criminal Justice System

Practice and Procedure, Theories, Training, Tactics and Techniques

Practicum Exercise:

**The Remarkable Case of Agnes Olafson,
Luther Becklund, and the Bag of Crumbled Kookies**

Example issues:

- The basis of criminal law
- National or regional
- Definition of crime
- Is it a crime if it is not written down in the law?
- How are words of the statute interpreted?
- Who are the victims? The investors and/or anyone who bought the Kookies expecting a 10 year life and getting only three?
- Intent to commit a crime
- The crimes:
 - Theft by fraud
 - Aggregating amounts stolen
 - Victims
 - Penalties (sentences)
 - Attempt
 - Conspiracy
 - Liability for crimes of another
- Arrests, confessions, searches
- Use of force by police

Lawyers and Judges

- How are they trained
- How do they get and keep their jobs
- What is the pay?
- What do they do?
- How do they interact with others in the system

Agnes, age 32 was married to Luther in 2012. Luther is 33. Their Employment after college: consultants. They are both the founders and owners of ALOB.

Agnes and Luther commit their identical acts in the comparative countries. The facts are simple. The intent is not to describe in great detail. what or how or why they did what they did, but to compare how the attorneys and courts in different jurisdictions deal the with the issues and the actions of Agnes and Luther.

Both Agnes and Luther are brilliant. They grew up together in the town of Shields Falls in Midstate. They entered college the same year, Agnes was 14 and Luther was 15. They graduated college in just three years. He in finance and economics and she in nanotechnology. They both received doctorate degree four years later. She from a nationally recognized university, and he from the Midstate University

Agnes and Luther were close friends. They were both so involved with their studies and research that they had no time for other relationships.

2012. In her last year of her postdoctoral studies, Agnes contacted Luther and described her discovery of a new nano chip that would revolutionize the computer industry. She called the new computer chip a “Kookie”. She said, “Hey Luther, let's form a company and get married.”

2016. Luther agreed, obtained a patent on her Kookie invention and formed a company called ALOB (Agnes-Luther-Olafson-Becklund). Agnes and Luther are the sole owners of ALOB.

2017. Agnes and Luther contacted some of their wealthy friends.

- Friend 1 (SES III) from California,
- Friend 2 (MBM) from England,
- Friend 3 (RRD) from Turkey,
- Friend 4 (DMJ) from Botswana,
- Friend 5 (GDI) from India

Each friend contributed \$50,000 to help ALOB get started.

Agnes, Luther and the five friends agreed that each friend would receive 10% of the net profits from ALOB for 8 years. In 2018, Agnes and Luther discovered how to double their profit. Agnes and Luther kept that profit for themselves and did not tell the five investing friends

Agnes and Luther named the Kookie invention after Agnes' Parents. Ole and Ana - OLEANA. She named the new chips “Kookies.”

2018. OLEANA revolutionized the computer industry. The chip cost \$1,000 to manufacture. ALOB sold the chips for \$2,000 and in the first year ALOB sold

1,000. In the second year AOLB sold 5,000. A very nice profit indeed, and well worth it.

Towards the middle of 2018. Agnes called out to Luther from her work room, “Hey Luther honey, I figured out how to make the same darn chip for \$.13. Let's get rich. Can we do it?” Luther soon figured out how to do it. Agnes manufactured the new chip by herself and mingled the new \$.13 chip with the \$1,000 chip. Now begins the fraud.

The old chip had a life expectancy of 10 years. The new chip, only 3 years.

Each year the ALOB sold 5,000 Kookies. They sold 2,500 old and 2,500 new.

\$2.5 million profit for the old chip and \$5 million for the new. They paid their investing friends only 10% of profit from the old Kookies

In 2019 and 2020 ALOB sold 10,000 Kookies, all of which were the new chips. Agnes and Luther calculated 10% profit as if the Kookies cost \$1000 to make instead of \$.13.

Just a little time with a calculator shows they were making a heck of a lot of money. At least \$20,000,000 each year.

Luther invested, donated, paid taxes and paid the investors on the expected \$10,000,000 net income. It showed up on ALOB books.

Luther did some research on Google and discovered that \$1,000,000 in 100-dollar U.S. currency bills can be held by a container 18 inches by 12 inches by 4.5 inches. By the end of the fourth year Luther and Agnes had saved more than \$40,000,000 in forty-three cases hidden behind a bookshelf in their living room.

Of course, the chips began to fail, and Agnes and Luther knew that the scheme would be discovered.

2021. A clerk in charge of transporting the chips (Kookies) from storage to the lab discovered that the chips were crumbling. The clerk reported it to the manager who called the police.

Late 2021. The scheme began to fall apart.

Agnes and Luther decided to leave the country. They bought tickets to a foreign country.

Last Week: They began to transfer the 40 cases of money from behind the bookshelves in their apartment to their van. While Agnes finished packing in the apartment Luther took carried the last two cases out to the van just as the police arrived. Luther ran to the van, tripped and fell. One of the cases burst open and the one hundred dollar bills began flying everywhere.

Luther shouted, “It was all Agnes’ idea,” and reached into his pocket for his phone to call Agnes. Thinking that Luther was reaching for a gun, a young officer told Luther to take his hand out of his pocket. Luther was scared, jumping and kept fumbling for his phone in his pocket.

The officer shouted at Luther that if he did not take his hand out of his pocket the officer would TASE. Luther did not do so, the officer TASED Luther. Luther had a stroke and is now paralyzed on his right side.

Agnes ran up to Luther and said, “Oh Luther you old fool, we could have made our get away.”

The officer in charge searched the van and found all the cases of money then asked Agnes if the officer could search the apartment. Agnes said, “Go ahead, I don’t care what the heck you do. You are going to search our place anyway.”

The police searched and found all the Becklund’s plans.

Just like their Kookies, their marriage and their scheme, crumbled.

Not what do we do?

- What is the crime?
- Who are the defendants?
- Who are the victims?
- What do the lawyers and judges do and how do they get involved?

Some Sections of the United States Constitution

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

Midstate Criminal Statutes

§609.01 NAME AND CONSTRUCTION.

Subdivision 1. Purposes.

This chapter may be cited as the Criminal Code of 2010. Its provisions shall be construed according to the fair import of its terms, to promote justice, and to effect its purposes which are declared to be:

(1) to protect the public safety and welfare by preventing the commission of crime through the deterring effect of the sentences authorized, the rehabilitation of

those convicted, and their confinement when the public safety and interest requires; and

(2) to protect the individual against the misuse of the criminal law by fairly defining the acts and omissions prohibited, authorizing sentences reasonably related to the conduct and character of the convicted person, and prescribing fair and reasonable postconviction procedures.

§609.015 SCOPE AND EFFECT.

Common law crimes abolished.

Common law crimes are abolished and no act or omission is a crime unless made so by this chapter or by other applicable statute, but this does not prevent the use of common law rules in the construction or interpretation of the provisions of this chapter or other statute

§609.025 JURISDICTION OF STATE.

A person may be convicted and sentenced under the law of this state if the person:

- (1) commits an offense in whole or in part within this state; or
- (2) being without the state, causes, aids or abets another to commit a crime within the state; or
- (3) being without the state, intentionally causes a result within the state prohibited by the criminal laws of this state.

It is not a defense that the defendant's conduct is also a criminal offense under the laws of another state or of the United States or of another country.

§609.05 LIABILITY FOR CRIMES OF ANOTHER.

Subdivision 1.

Aiding, abetting; liability.

A person is criminally liable for a crime committed by another if the person intentionally aids, advises, hires, counsels, or conspires with or otherwise procures the other to commit the crime.

Subd. 2. Expansive liability.

A person liable under subdivision 1 is also liable for any other crime committed in pursuance of the intended crime if reasonably foreseeable by the person as a probable consequence of committing or attempting to commit the crime intended.

Subd. 3. Abandonment of criminal purpose.

A person who intentionally aids, advises, hires, counsels, or conspires with or otherwise procures another to commit a crime and thereafter abandons that purpose and makes a reasonable effort to prevent the commission of the crime prior to its commission is not liable if the crime is thereafter committed.

Subd. 4. Circumstances of conviction.

A person liable under this section may be charged with and convicted of the crime although the person who directly committed it has not been convicted, or has been convicted of some other degree of the crime or of some other crime based on the same act, or if the person is a juvenile who has not been found delinquent for the act.

§609.17 ATTEMPTS.

Subd. 1. Crime defined.

Whoever, with intent to commit a crime, does an act which is a substantial step toward, and more than preparation for, the commission of the crime is guilty of an attempt to commit that crime, and may be punished as provided in subdivision 4.

Subd. 2. Act defined.

An act may be an attempt notwithstanding the circumstances under which it was performed or the means employed to commit the crime intended or the act itself were such that the commission of the crime was not possible, unless such impossibility would have been clearly evident to a person of normal understanding.

Subd. 3. Defense.

It is a defense to a charge of attempt that the crime was not committed because the accused desisted voluntarily and in good faith and abandoned the intention to commit the crime.

Subd. 4. Penalties.

Whoever attempts to commit a crime may be sentenced as follows:

(1) if the maximum sentence provided for the crime is life imprisonment, to not more than 20 years; or

(2) for any other attempt, to not more than one-half of the maximum imprisonment or fine or both provided for the crime attempted, but such maximum in any case shall not be less than imprisonment for 90 days or a fine of \$100.

Subd. 1. Whoever conspires with another to cause a third person to be arrested or prosecuted on a criminal charge knowing the charge to be false is guilty of a misdemeanor.

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Subd. 2. To commit crime.

Whoever conspires with another to commit a crime and in furtherance of the conspiracy one or more of the parties does some overt act in furtherance of such conspiracy may be sentenced as follows:

(1) if the crime intended is a misdemeanor, by a sentence to imprisonment for not more than 90 days or to payment of a fine of not more than \$300, or both; or

(2) if the crime intended is murder in the first degree or treason, to imprisonment for not more than 20 years; or

(3) if the crime intended is any other felony or a gross misdemeanor, to imprisonment or to payment of a fine of not more than one-half the imprisonment or fine provided for that felony or gross misdemeanor or both.

Subd. 3. Application of section jurisdiction.

This section applies if:

(1) the defendant in this state conspires with another outside of this state; or

- (2) the defendant outside of this state conspires with another in this state; or
- (3) the defendant outside of this state conspires with another outside of this state and an overt act in furtherance of the conspiracy is committed within this state by either of them; or
- (4) the defendant in this state conspires with another in this state.

Subd. 9. Mental state.

(1) When criminal intent is an element of a crime in this chapter, such intent is indicated by the term "intentionally," the phrase "with intent to," the phrase "with intent that," or some form of the verbs "know" or "believe."

(2) "Know" requires only that the actor believes that the specified fact exists.

(3) "Intentionally" means that the actor either has a purpose to do the thing or cause the result specified or believes that the act performed by the actor, if successful, will cause that result. In addition, except as provided in clause (6), the actor must have knowledge of those facts which are necessary to make the actor's conduct criminal and which are set forth after the word "intentionally."

(4) "With intent to" or "with intent that" means that the actor either has a purpose to do the thing or cause the result specified or believes that the act, if successful, will cause that result.

(5) Criminal intent does not require proof of knowledge of the existence or constitutionality of the statute under which the actor is prosecuted or the scope or meaning of the terms used in that statute.

(6) Criminal intent does not require proof of knowledge of the age of a minor even though age is a material element in the crime in question.

§609.52 THEFT.

Subdivision 1. Definitions.

In this section:

(1) "Property" means all forms of tangible property, whether real or personal, without limitation including documents of value, electricity, gas, water, corpses, domestic animals, dogs, pets, fowl, and heat supplied by pipe or conduit by municipalities or public utility companies and articles, as defined in clause (4), representing trade secrets, which articles shall be deemed for the purposes of Extra

Session Laws 1967, chapter 15 to include any trade secret represented by the article.

(2) "Movable property" is property whose physical location can be changed, including without limitation things growing on, affixed to, or found in land.

(3) "Value" means the retail market value at the time of the theft, or if the retail market value cannot be ascertained, the cost of replacement of the property within a reasonable time after the theft, or in the case of a theft or the making of a copy of an article representing a trade secret, where the retail market value or replacement cost cannot be ascertained, any reasonable value representing the damage to the owner which the owner has suffered by reason of losing an advantage over those who do not know of or use the trade secret. For a check, draft, or other order for the payment of money, "value" means the amount of money promised or ordered to be paid under the terms of the check, draft, or other order. For a theft committed within the meaning of subdivision 2, paragraph (a), clause (5), items (i) and (ii), if the property has been restored to the owner, "value" means the value of the use of the property or the damage which it sustained, whichever is greater, while the owner was deprived of its possession, but not exceeding the value otherwise provided herein. For a theft committed within the meaning of subdivision 2, clause (9), if the property has been restored to the owner, "value" means the rental value of the property, determined at the rental rate contracted by the defendant or, if no rental rate was contracted, the rental rate customarily charged by the owner for use of the property, plus any damage that occurred to the property while the owner was deprived of its possession, but not exceeding the total retail value of the property at the time of rental. For a theft committed within the meaning of subdivision 2, clause (19), "value" means the difference between wages legally required to be reported or paid to an employee and the amount actually reported or paid to the employee.

(4) "Article" means any object, material, device or substance, including any writing, record, recording, drawing, sample specimen, prototype, model, photograph, microorganism, blueprint or map, or any copy of any of the foregoing.

(5) "Representing" means describing, depicting, containing, constituting, reflecting or recording.

(6) "Trade secret" means information, including a formula, pattern, compilation, program, device, method, technique, or process, that:

(i) derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use, and

(ii) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

(7) "Copy" means any facsimile, replica, photograph or other reproduction of an article, and any note, drawing, or sketch made of or from an article while in the presence of the article.

(8) "Property of another" includes property in which the actor is co-owner or has a lien, pledge, bailment, or lease or other subordinate interest, property transferred by the actor in circumstances which are known to the actor and which make the transfer fraudulent as defined in section [513.44](#), property possessed pursuant to a short-term rental contract, and property of a partnership of which the actor is a member, unless the actor and the victim are husband and wife. It does not include property in which the actor asserts in good faith a claim as a collection fee or commission out of property or funds recovered, or by virtue of a lien, setoff, or counterclaim.

(9) "Services" include but are not limited to labor, professional services, transportation services, electronic computer services, the supplying of hotel accommodations, restaurant services, entertainment services, advertising services, telecommunication services, and the supplying of equipment for use including rental of personal property or equipment.

(10) "Motor vehicle" means a self-propelled device for moving persons or property or pulling implements from one place to another, whether the device is operated on land, rails, water, or in the air.

(11) "Motor fuel" has the meaning given in section [604.15, subdivision 1](#).

(12) "Retailer" has the meaning given in section [604.15, subdivision 1](#).

(13) "Wage theft" occurs when an employer with intent to defraud:

(i) fails to pay an employee all wages, salary, gratuities, earnings, or commissions at the employee's rate or rates of pay or at the rate or rates required by law, including any applicable statute, regulation, rule, ordinance, government resolution or policy, contract, or other legal authority, whichever rate of pay is greater;

(ii) directly or indirectly causes any employee to give a receipt for wages for a greater amount than that actually paid to the employee for services rendered;

(iii) directly or indirectly demands or receives from any employee any rebate or refund from the wages owed the employee under contract of employment with the employer; or

(iv) makes or attempts to make it appear in any manner that the wages paid to any employee were greater than the amount actually paid to the employee.

(14) "Employer" means any individual, partnership, association, corporation, business trust, or any person or group of persons acting directly or indirectly in the interest of an employer in relation to an employee.

(15) "Employee" means any individual employed by an employer.

Subd. 2. Acts constituting theft.

(a) Whoever does any of the following commits theft and may be sentenced as provided in subdivision 3:

(1) intentionally and without claim of right takes, uses, transfers, conceals or retains possession of movable property of another without the other's consent and with intent to deprive the owner permanently of possession of the property; or

(2) with or without having a legal interest in movable property, intentionally and without consent, takes the property out of the possession of a pledgee or other person having a superior right of possession, with intent thereby to deprive the pledgee or other person permanently of the possession of the property; or

(3) obtains for the actor or another the possession, custody, or title to property or performance of services by a third person by intentionally deceiving the third person with a false representation which is known to be false, made with intent to defraud, and which does defraud the person to whom it is made. "False representation" includes without limitation:

(i) a promise made with intent not to perform. Failure to perform is not evidence of intent not to perform unless corroborated by other substantial evidence; or

(4) by swindling, whether by artifice, trick, device, or any other means, obtains property or services from another person; or

receptacle, without making the required deposit or otherwise obtaining the consent of the owner; or

Subd. 3 .Sentence.

Whoever commits theft may be sentenced as follows:

(1) to imprisonment for not more than 20 years or to payment of a fine of not more than \$100,000, or both, or

(2) to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the value of the property or services stolen exceeds \$5,000

(3) to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if any of the following circumstances exist:

(a) the value of the property or services stolen is more than \$1,000 but not more than \$5,000; or

(b) the property stolen was a controlled substance listed in Schedule III, IV, or V pursuant to section [152.02](#); or

(c) the value of the property or services stolen is more than \$500 but not more than \$1,000 and the person has been convicted within the preceding five years for an offense under this section, section [256.98](#); [268.182](#); [609.24](#); [609.245](#); [609.53](#); [609.582, subdivision 1](#), 2, or 3; [609.625](#); [609.63](#); [609.631](#); or [609.821](#), or a statute from another state, the United States, or a foreign jurisdiction, in conformity with any of those sections, and the person received a felony or gross misdemeanor sentence for the offense, or a sentence that was stayed under section [609.135](#) if the offense to which a plea was entered would allow imposition of a felony or gross misdemeanor sentence; or

(d) the value of the property or services stolen is not more than \$1,000, and any of the following circumstances exist:

(i) the property is taken from the person of another or from a corpse, or grave or coffin containing a corpse; or

(ii) the property is a record of a court or officer, or a writing, instrument or record kept, filed or deposited according to law with or in the keeping of any public officer or office; or

(iii) the property is taken from a burning, abandoned, or vacant building or upon its removal therefrom, or from an area of destruction caused by civil disaster, riot, bombing, or the proximity of battle; or

(iv) the property consists of public funds belonging to the state or to any political subdivision or agency thereof; or

(v) the property stolen is a motor vehicle; or

(4) to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both, if the value of the property or services stolen is more than \$500 but not more than \$1,000; or

(5) in all other cases where the value of the property or services stolen is \$500 or less, to imprisonment for not more than 90 days or to payment of a fine of not more than \$1,000, or both, provided, however, in any prosecution under subdivision 2, clauses (1), (2), (3), (4), (13), and (19), the value of the money or property or services received by the defendant in violation of any one or more of the above provisions within any six-month period may be aggregated and the defendant charged accordingly in applying the provisions of this subdivision; provided that when two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this paragraph.

Subd. 3a. Enhanced penalty.

If a violation of this section creates a reasonably foreseeable risk of bodily harm to another, the penalties described in subdivision 3 are enhanced as follows:

(1) if the penalty is a misdemeanor or a gross misdemeanor, the person is guilty of a felony and may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$5,000, or both; and

(2) if the penalty is a felony, the statutory maximum sentence for the offense is 50 percent longer than for the underlying crime.

Subd. 4. Wrongfully obtained public assistance; consideration of disqualification.

When determining the sentence for a person convicted of theft by wrongfully obtaining public assistance, as defined in section [256.98, subdivision 1](#), the court shall consider the fact that, under section [256.98, subdivision 8](#), the person will be disqualified from receiving public assistance as a result of the person's conviction.

§609.02 DEFINITIONS.

Subdivision 1. Crime.

"Crime" means conduct which is prohibited by statute and for which the actor may be sentenced to imprisonment, with or without a fine.

Subd. 5. Conviction.

"Conviction" means any of the following accepted and recorded by the court:

- (1) a plea of guilty; or
- (2) a verdict of guilty by a jury or a finding of guilty by the court.

§609.221 ASSAULT IN THE FIRST DEGREE.

Subd. 1. Great bodily harm.

Whoever assaults another and inflicts great bodily harm may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$30,000, or both.

§609.222 ASSAULT IN THE SECOND DEGREE.

Subd. 1. Dangerous weapon; substantial bodily harm.

Whoever assaults another with a dangerous weapon and inflicts substantial bodily harm may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.

Whoever assaults another with a dangerous weapon may be sentenced to imprisonment for not more than seven years or to payment of a fine of not more than \$14,000, or both.

Subd. 2.

Whoever assaults another and inflicts substantial bodily harm may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

Subd. 2. Dangerous weapon.

"Dangerous weapon" means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, any combustible or flammable liquid or other device or instrumentality that, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm, or any fire that is used to produce death or great bodily harm.

§609.221 ASSAULT IN THE FIRST DEGREE.

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Whoever assaults another with a dangerous weapon may be sentenced to imprisonment for not more than seven years or to payment of a fine of not more than \$14,000, or both.

Subd. 2. Dangerous weapon; substantial bodily harm.

Whoever assaults another with a dangerous weapon and inflicts substantial bodily harm may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.

§609.223 ASSAULT IN THE THIRD DEGREE.

Subdivision 1. Substantial bodily harm.

Whoever assaults another and inflicts substantial bodily harm may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

Subd. 7. Bodily harm.

"Bodily harm" means physical pain or injury, illness, or any impairment of physical condition.

Subd. 7a. Substantial bodily harm.

"Substantial bodily harm" means bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member.

Subd. 8. Great bodily harm.

"Great bodily harm" means bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm.

Subd. 10. Assault.

"Assault" is:

(1) an act done with intent to cause fear in another of immediate bodily harm or death; or

(2) the intentional infliction of or attempt to inflict bodily harm upon another.

§609.06 Authorized Use of Force

Subdivision 1. When authorized.

Except as otherwise provided in subdivisions 2 and 3, reasonable force may be used upon or toward the person of another without the other's consent when the following circumstances exist, or the actor reasonably believes them to exist:

(1) when used by a public officer or one assisting a public officer under the public officer's direction:

(i) in effecting a lawful arrest; or

(ii) in the execution of legal process; or

(iii) in enforcing an order of the court; or

- (iv) in executing any other duty imposed upon the public officer by law; or
- (2) when used by a person not a public officer in arresting another in the cases and in the manner provided by law and delivering the other to an officer competent to receive the other into custody; or
- (3) when used by any person in resisting or aiding another to resist an offense against the person; or
- (4) when used by any person to prevent the escape, or to retake following the escape, of a person lawfully held on a charge or conviction of a crime; or

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 - (i) in effecting a lawful arrest; or
 - (ii) in the execution of legal process; or
 - (iii) in enforcing an order of the court; or
 - (iv) in executing any other duty imposed upon the public officer by law; or
- (2) when used by a person not a public officer in arresting another in the cases and in the manner provided by law and delivering the other to an officer competent to receive the other into custody; or
- (3) when used by any person in resisting or aiding another to resist an offense against the person; or
- (4) when used by any person to prevent the escape, or to retake following the escape, of a person lawfully held on a charge or conviction of a crime; or

Definitions
(also listed above in each statute)

§609.17 ATTEMPTS.

Subd. 9. Mental state.

- (2) "Know" requires only that the actor believes that the specified fact exists.

(3) "Intentionally" means that the actor either has a purpose to do the thing or cause the result specified or believes that the act performed by the actor, if successful, will cause that result. In addition, except as provided in clause (6), the actor must have knowledge of those facts which are necessary to make the actor's conduct criminal and which are set forth after the word "intentionally."

(4) "With intent to" or "with intent that" means that the actor either has a purpose to do the thing or cause the result specified or believes that the act, if successful, will cause that result.

§609.52 THEFT.

Subdivision 1. Definitions.

In this section:

(1) "Property" means all forms of tangible property, whether real or personal, without limitation including documents of value, electricity, gas, water, corpses, domestic animals, dogs, pets, fowl, and heat supplied by pipe or conduit by municipalities or public utility companies and articles, as defined in clause (4), representing trade secrets, which articles shall be deemed for the purposes of Extra Session Laws 1967, chapter 15 to include any trade secret represented by the article.

(2) "Movable property" is property whose physical location can be changed, including without limitation things growing on, affixed to, or found in land.

(3) "Value" means the retail market value at the time of the theft, or if the retail market value cannot be ascertained, the cost of replacement of the property within a reasonable time after the theft, or in the case of a theft or the making of a copy of an article representing a trade secret, where the retail market value or replacement cost cannot be ascertained, any reasonable value representing the damage to the owner which the owner has suffered by reason of losing an advantage over those who do not know of or use the trade secret. For a check, draft, or other order for the payment of money, "value" means the amount of money promised or ordered to be paid under the terms of the check, draft, or other order. For a theft committed within the meaning of subdivision 2, paragraph (a), clause (5), items (i) and (ii), if the property has been restored to the owner, "value" means the value of the use of the property or the damage which it sustained, whichever is greater, while the owner was deprived of its possession, but not exceeding the value otherwise provided herein. For a theft committed within the meaning of subdivision 2, clause (9), if the property has been restored to the

owner, "value" means the rental value of the property, determined at the rental rate contracted by the defendant or, if no rental rate was contracted, the rental rate customarily charged by the owner for use of the property, plus any damage that occurred to the property while the owner was deprived of its possession, but not exceeding the total retail value of the property at the time of rental. For a theft committed within the meaning of subdivision 2, clause (19), "value" means the difference between wages legally required to be reported or paid to an employee and the amount actually reported or paid to the employee.

(4) "Article" means any object, material, device or substance, including any writing, record, recording, drawing, sample specimen, prototype, model, photograph, microorganism, blueprint or map, or any copy of any of the foregoing.

(5) "Representing" means describing, depicting, containing, constituting, reflecting or recording.

(6) "Trade secret" means information, including a formula, pattern, compilation, program, device, method, technique, or process, that:

(i) derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use, and

(ii) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

(7) "Copy" means any facsimile, replica, photograph or other reproduction of an article, and any note, drawing, or sketch made of or from an article while in the presence of the article.

(8) "Property of another" includes property in which the actor is co-owner or has a lien, pledge, bailment, or lease or other subordinate interest, property transferred by the actor in circumstances which are known to the actor and which make the transfer fraudulent as defined in section [513.44](#), property possessed pursuant to a short-term rental contract, and property of a partnership of which the actor is a member, unless the actor and the victim are husband and wife. It does not include property in which the actor asserts in good faith a claim as a collection fee or commission out of property or funds recovered, or by virtue of a lien, setoff, or counterclaim.

(9) "Services" include but are not limited to labor, professional services, transportation services, electronic computer services, the supplying of hotel accommodations, restaurant services, entertainment services, advertising services,

telecommunication services, and the supplying of equipment for use including rental of personal property or equipment.

(10) "Motor vehicle" means a self-propelled device for moving persons or property or pulling implements from one place to another, whether the device is operated on land, rails, water, or in the air.

(11) "Motor fuel" has the meaning given in section [604.15, subdivision 1](#).

(12) "Retailer" has the meaning given in section [604.15, subdivision 1](#).

(13) "Wage theft" occurs when an employer with intent to defraud:

(i) fails to pay an employee all wages, salary, gratuities, earnings, or commissions at the employee's rate or rates of pay or at the rate or rates required by law, including any applicable statute, regulation, rule, ordinance, government resolution or policy, contract, or other legal authority, whichever rate of pay is greater;

(ii) directly or indirectly causes any employee to give a receipt for wages for a greater amount than that actually paid to the employee for services rendered;

(iii) directly or indirectly demands or receives from any employee any rebate or refund from the wages owed the employee under contract of employment with the employer; or

(iv) makes or attempts to make it appear in any manner that the wages paid to any employee were greater than the amount actually paid to the employee.

(14) "Employer" means any individual, partnership, association, corporation, business trust, or any person or group of persons acting directly or indirectly in the interest of an employer in relation to an employee.

(15) "Employee" means any individual employed by an employer.

§609.02 DEFINITIONS.

Subdivision 1. Crime.

"Crime" means conduct which is prohibited by statute and for which the actor may be sentenced to imprisonment, with or without a fine.

Subd. 5. Conviction.

"Conviction" means any of the following accepted and recorded by the court:

(1) a plea of guilty; or

(2) a verdict of guilty by a jury or a finding of guilty by the court.

§609.222 ASSAULT IN THE SECOND DEGREE.

Subd. 2. Dangerous weapon.

"Dangerous weapon" means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, any combustible or flammable liquid or other device or instrumentality that, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm, or any fire that is used to produce death or great bodily harm.

§609.223 ASSAULT IN THE THIRD DEGREE.

Subd. 7. Bodily harm.

"Bodily harm" means physical pain or injury, illness, or any impairment of physical condition.

Subd. 7a . Substantial bodily harm.

"Substantial bodily harm" means bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member.

Subd. 8 . Great bodily harm.

"Great bodily harm" means bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm.

Subd. 10. Assault.

"Assault" is:

(1) an act done with intent to cause fear in another of immediate bodily harm or death; or

(2) the intentional infliction of or attempt to inflict bodily harm upon another.