
The Corroboration Requirement in NY Penal Code 165.65

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CUNY, Lehman College

Marcello Di Bello

NY Penal Code

165.40 A person is guilty of criminal possession of stolen property in the **fifth degree** when he *knowingly* possesses stolen property, with intent to benefit himself or a person other than an owner thereof or to impede the recovery by an owner thereof. *Class A misdemeanor.*

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165.50 A person is guilty of criminal possession of stolen property in the **third degree** when he *knowingly* possesses stolen property, with intent to benefit himself or a person other than an owner thereof or to impede the recovery by an owner thereof, and when the value of the property exceeds three thousand dollars. *Class D felony.*

Possessing a Stolen Laptop

You are found in possession of stolen laptop which an alleged owner claims as his own. You are brought to court and charged with possession of stolen property. **What happens to you?**

According to NY Penal Code:

If you are shown to be guilty — beyond a reasonable doubt — of knowingly possessing the stolen laptop, you shall be convicted of a class A misdemeanor.

If you are NOT shown to be guilty — beyond a reasonable doubt — of knowingly possessing the stolen laptop, you shall NOT be convicted of a class A misdemeanor.

NY Penal Code 165, 40

The Corroboration Requirement

165.65 Criminal possession of stolen property; corroboration.

1. A person charged with criminal possession of stolen property who participated in the larceny thereof may not be convicted of criminal possession of such stolen property solely upon the testimony of an accomplice in the larceny unsupported by corroborative evidence tending to connect the defendant with such criminal possession.
2. Unless inconsistent with the provisions of subdivision one of this section, a person charged with criminal possession of stolen property may be convicted thereof solely upon the testimony of one from whom he obtained such property or solely upon the testimony of one to whom he disposed of such property.

Stolen Jewelry (1)

Terry steals jewelry from a local store and Ulla buys it from Terry at below market price. The transaction between Terry and Ulla takes place in a hidden basement of a NY building.

Ulla is later found in possession of the stolen jewelry, roughly worth USD 10,000, and charged with criminal possession of stolen property in the third degree. Terry testifies in court that he sold Ulla the stolen jewelry in a hidden basement of a NY building. There is no other evidence against Ulla.

Can Ulla be convicted under NY law of possessing stolen property?

YES

Stolen Jewelry (2)

Terry and Ulla decide to steal jewelry together from a store and keep a share. After the fact, Terry is no longer interested in keeping his share of the jewelry and sells his share to Ulla.

Ulla is later found in possession of the stolen jewelry, roughly worth USD 10,000, and charged with criminal possession of stolen property in the third degree. Terry testifies in court that he and Ulla stole the jewelry together and that he later sold his share to Ulla. There is no other evidence against Ulla.

Can Ulla be convicted under NY law of possessing stolen property?

NO

Stolen Jewelry (3)

Terry offers Ulla to steal jewelry from a local store and sell it to Ulla for whatever amount Ulla thinks appropriate. Ulla finds this is a good deal and agrees. Terry steals the jewelry and Ulla buys it from Terry as agreed.

Ulla is later found in possession of the stolen jewelry, roughly worth USD 10,000, and charged with criminal possession of stolen property in the third degree. Terry testifies in court that he told Ulla he would steal the jewelry for her and then sell it to her and that Ulla agreed. There is no other evidence against Ulla.

Can Ulla be convicted under NY law of possessing stolen property?

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