What are they?

- **Legal encyclopedias** report on the general state of the law in different subject areas. You will usually use them to get background information on your topic and to locate citations to primary authority.

  *Amy E. Sloan, Basic Legal Research 45 (5th ed. 2012)*

What are they?

American Law Reports, or A.L.R., contain articles called “Annotations.” Annotations collect summaries of cases from a variety of jurisdictions to provide an overview of the law on a topic. Because A.L.R. annotations provide summaries of individual cases, they are more detailed than encyclopedias.

Amy E. Sloan, Basic Legal Research 48 (5th ed. 2012)
A good rule of thumb

- A **legal encyclopedia** contains many topics, with basic summaries.

- **ALR** contains less topics, but treats those topics with greater depth.
Legal Encyclopedias and ALR Online
Encyclopedias and ALR Online

In Westlaw and Lexis you have two options for accessing encyclopedias and ALR articles.

**Option 1:** Type in the name of the item (e.g. California Jurisprudence, American Law Reports, etc.) and select one of the populated options.

**Option 2:** Search by keyword (e.g. consent to kidnapping) and filter by clicking on secondary sources, jurisdiction, and/or type.
Example research problem:
Is consent to a kidnapping a valid defense?
§ 58. Consent of victim

Consent of the victim is a valid defense to kidnapping under the federal kidnapping statute. While consent can be a defense to kidnapping, it has to be specific and cannot be prospective in nature. The federal kidnapping charge requires that a victim be an unconsenting person, and thus, consent by a victim can be a valid defense to the crime; however, the consent must be valid under the circumstances, which requires that the consenting person (1) acted freely and voluntarily and not under the influence of threats, force, or duress, (2) had knowledge that he was being physically moved, and (3) possessed sufficient mental capacity to make an intelligent choice whether to be physically moved by the other person.
Example research problem:
Is consent to a kidnapping a valid defense?
...7] For purposes of the "without consent" element of kidnapping, one who is unable to form any preference at all, perhaps due to unconsciousness or intoxication, is not consenting by way of passivity, and a person who is conscious and able to make a choice can express consent merely by being cooperative in attitude, but kidnapping does not require that the victim express some form of protest or resistance.[...

...8] Even if a kidnapping victim consented to being transported initially, he or she has the opportunity to revoke his or her consent during the commission of the alleged crime.[...

2. § 58. Consent of victim
American Jurisprudence, Second Edition • AMJUR ABDUCTION § 58

Consent of the victim is a valid defense to kidnapping under the federal kidnapping statute. While consent can be a defense to kidnapping, it has to be specific and cannot be prospective in nature. The federal kidnapping charge requires that a victim be an unconsenting person, and thus, consent by a victim can be a valid defense to the crime;

...Consent of the victim is a valid defense to kidnapping under the federal kidnapping statute.[...]

...6] However, the mere fact that the victim initially consented to some act does not necessarily prevent the establishment of the element of "lack of consent" to successfully prove the kidnapping offense.[...

3. § 27. Lack of consent of victim—Effect of incapacity to consent; child as victim
American Jurisprudence, Second Edition • AMJUR ABDUCTION § 27

If a kidnapping victim is of such age or mental state as to be incapable of having a recognizable will, the confinement must then be against the will of the parents or legal guardian of the victim. The victim's age is not an essential element of the crime of kidnapping but is, instead, a factor which relates to the State's burden of proof in regard...
§ 58. Consent of victim

Consent of the victim is a valid defense to kidnapping under the federal kidnapping statute. 1 While consent can be a defense to kidnapping, it has to be specific and cannot be prospective in nature. 2 The federal kidnapping charge requires that a victim be an unconsenting person, and thus, consent by a victim can be a valid defense to the crime; however, the consent must be valid under the circumstances, which requires that the consenting person (1) acted freely and voluntarily and not under the influence of threats, force, or duress, (2) had knowledge that he was being physically moved, and (3) possessed sufficient mental capacity to make an intelligent choice whether to be physically moved by the other person. 3
consent to a kidnapping
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1. People v. Eid

Court of Appeal, Fourth District, Division 3, California. August 19, 2010. 187 Cal.App.4th 859. 114 Cal.Rptr.3d 520

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2. U.S. v. McCabe

United States Court of Appeals, Eighth Circuit. March 02, 1987. 812 F.2d 1060

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United States Court of Appeals, Second Circuit. January 25, 1982. 671 F.2d 60

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Related documents
Secondary Sources (3,562)

1. § 7:222. Lack of consent
   Massachusetts Practice Series TM

2. (a) [§ 287] Element of Offense.
   Witkin California Criminal Law, Fourth Edition

3. Kidnapping by fraud or false pretenses
   American Law Reports ALR2d • The ALR databases are made current by the weekly addition of relevant new cases.

4. § 376. Consent of victim
   California Jurisprudence 3d

5. § 18. Generally
   Corpus Juris Secundum
1. Kidnapping by fraud or false pretenses

American Law Reports ALR 2d. The ALR databases are made current by the weekly addition of relevant new cases. 95 A.L.R. 2d 450 (Originally published in 1964)

Although there is such variance among the statutes which define the crime of kidnapping that it is impossible to give a generally valid definition, it may be said that the gist of kidnapping is the taking or detention of a person against his will and without lawful authority. Where a person is coerced by illegal force or the threat of force, it is...

...In prosecution for murder and kidnapping, evidence that defendant shot man and falsely told kidnapping victim that someone else had shot man, and that defendant, in kidnapping victim's presence, told shooting victim that they were going to hunt down man who shot him was sufficient to constitute kidnapping by deception, although evidence did not show that defendant affirmatively caused kidnapping victim to believe they were going to hunt down assailant of shooting victim where defendant knew kidnapping...
Kidnapping by fraud or false pretenses

$ 1[b] Scope and related matter—Related matter
$ 2 Fraud as the basis of kidnapping prosecution, generally
$ 3 Effect of statutory language
$ 4 Sufficiency of evidence of fraud; evidence held sufficient
$ 5 Evidence held insufficient

Research References

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Alienation of affections, § 3
Assault, § 4
Business inducement, § 4
Consent of victim, necessity of, §§ 3-5
Education, promise of, § 4
Federal statute, §§ 3-5
Fraud as basis, generally, § 2
Homicide, § 4
consent to a kidnapping
People v. Eid
Court of Appeal of California, Fourth Appellate District, Division Three | Aug 19, 2010 | 187 Cal. App. 4th 859

OVERVIEW: CALCRIM No. 1202 on kidnapping for ransom was incomplete because it failed to inform jury of People's burden to prove victim did not consent to being confined (or another predicate act) and that defendant did not actually and reasonably believe victim consented; a court thus erred by failing to charge a jury sua sponte on those elements of offense.

... given sua sponte by the court if supported by the evidence. These defenses inform the jury that a defendant is not guilty of the respective asportation kidnapping if the victim consented to the movement, or if the defendant reasonably believed the victim consented. The defenses specify that the People bear the burden of proving the victim's lack of consent and the defendant's lack of reasonable belief in consent. The asportation instructions further provide that in order to consent, a person must act freely and voluntarily and know the nature of the act," and that a person may withdraw ...
Kidnapping by fraud or false pretenses
American Law Reports (ALR) | 95 A.L.R.2d 450

... and earned 75 cents a day. The defendant was convicted of kidnapping under a statute which provided that any person who fraudulently led, ...

... any child under the age of 18 years was guilty of kidnapping. Pointing out that no fraud was practiced on the child ...

... fraudulent as to the parent, and the defendant was guilty of kidnapping. Affirming a judgment of kidnapping, the court in ...

... the prosecutor, a child under the age of 18, without the consent of her parents. The trial court charged that kidnapping under the statute was the forcible or fraudulent leading, taking, or ...

... guardian against its or their will, or without its or their consent. Rejecting the defendant's contention that the offense was not complete ...

... that the child was enticed away against her own will and consent, as well as against the will and consent of her parents, the court held that the statute provided for two cases, one wherein the kidnapped child had a parent or guardian, and the other wherein it ...

... in the first instance if the taking away was without the consent of the parent or guardian the offense was complete irrespective of the consent of the child. Under a statute which provided that "any person ...
Kidnapping by fraud or false pretenses, 95 A.L.R.2d 450

Reporter
95 A.L.R.2d 450 *

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