

Legal Encyclopedias and ALR

Legal Research Center Video Series



Melissa Abernathy



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)

- There are two multi-state legal encyclopedias: *American Jurisprudence* (Am. Jur.) and *Corpus Juris Secundum* (C.J.S.). In addition, California has two state encyclopedias: *California Jurisprudence* (Cal. Jur.) and *Witkin's Summary of California Law*.

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.

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Example research problem:

Is consent to a kidnapping a valid defense?

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§ 58. Consent of victim

AMJUR ABDUCTION § 58 · Karen L. Schultz, J.D. · American Jurisprudence, Second Edition (Approx. 3 pages)

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§ 58. Consent of victim

Topic Summary Correlation Table References

West's Key Number Digest

- West's Key Number Digest, Kidnapping 29

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

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...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

AMJUR ABDUCTION § 58 · Karen L. Schultz, J.D. · American Jurisprudence, Second Edition (Approx. 3 pages)

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West's Key Number Digest

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

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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

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1. Kidnapping by fraud or false pretenses

American Law Reports ALR2d • 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

95 A.L.R.2d 450 • American Law Reports ALR2d • Originally published in 1964 (Approx. 39 pages)

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§ 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

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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.

Summary Headnotes



... 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 ...



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§ 142.14 Kidnapping

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COMMENT: PARENTAL KIDNAPPING, CRIMINAL CONTEMPT OF COURT, AND THE DOUBLE JEOPARDY CLAUSE: A RECOMMENDATION FOR STATE COURTS

Journal of Criminal Law and Criminology | Apr 01, 2016 | 106 J. Crim. L. & Criminology 315 | 20779 words | Valerie Brummel*

4 ☐

§ 7.02 Kidnapping

Illinois Criminal Law: A Survey of Crimes and Defenses | 1 Illinois Criminal Law § 7.02

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... 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

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