

Essay on Case People v. Glover 233 Cal.App.3d 1476

NAME OF THE CASE

The case is People v. Glover 233 Cal.App.3d 1476(1991). The people are the plaintiff and the respondent, while Joan Glover is the defendant and appellant. The main issue is that the defendant violated the arson statute. Moreover, the prosecution believed she also had the intention to defraud an insurance company. The defendants' defense was that she was not guilty of the crime and hence the decision to appeal the earlier ruling.

CITATION AND THE YEAR THE CASE WAS DECIDED

This case was held at the Superior court of Los Angeles County no. A890047. The counsel was Jonathan P. Milberg. He was appointed by the court of appeal for the defendant. The judgment was affirmed in the year 1991. The jury found the defendant **guilty** of arson and defrauding an insurance company. The jury held that the defendant and her accomplices burnt her apartment in order to seek for compensation from an insurance company.

CHARACTER OF ACTION

The case was brought to the appellant court after the defendant appealed a ruling that found her guilty of arson and the intention to defraud an insurance company. The appeal was based on the defendant's position that there was no sufficient proof to convict her for the offenses. The defendant relied on *Stonewall, F.*, (1989) 208 Cal. Appeal 3d 1054, 1066 by arguing that a necessary constituent for a crime was the existence of a **specific intent** from the defendant's perspective. The appeal was based on the defendant's position that she did not have a specific intent to commit the crime. However, the respondent believed that there was specific intent on the part of the defendant to commit the crime.

FACTS OF THE CASE

The defendant lived in apartment 25 at 1170 in Pomona at the Murchison Street. It was found out that the defendant burned down the house since, she wanted some money from an insurance company. The defendant asked Albert Dukes to start the fire at her apartment by using kerosene. Additionally, Dukes explained that the defendant wanted other people who were living in the apartment out before the fire was started. Dukes complied with her instructions and poured kerosene in the house then dropped a burning paper to start the fire. Specifically, Dukes poured a lot of kerosene all over the floor of the apartment and left a trace to the back door of the building. He then ignited the fire with a burning paper bag, and then fled the scene of the incident.

After the fire started, the Pomona firefighters came in to put it out. Arson investigators examined the circumstances under which the fire was started and found out that, the fire was intentionally set. They examined the living room and found out that the fire was set intentionally within a **6-foot** area. Consequently, the arson investigators established that a petroleum product was utilized in an effort to start the fire. The fire had burned the carpet and the damage extended to the concrete floor. In addition the kitchen cupboards also burned. The amount of smoke damage and residue in the upstairs areas of the apartment indicated that there was a fire in the apartment. Dukes and the arson investigators found out that there were words sprayed on the walls as a strategy to divert attention and make it look like gangsters started the fire. After the incident, the defendant applied for insurance claim and got the settlement.

LEGAL ISSUES IN THE CASE

Section 451 of the FN1 penal code section (b) is applicable to the case. The section clearly states that a person is guilty of arson if he or she intentionally sets fire for malicious purposes. The section also states that this also extends to intentionally and malicious aiding someone else to burn a forest, property or land. The section further states that, arson is a felony punishable by a jail term of three to eight years.

Section 450a of FN 4 clearly states that, any person who injures another one or sets fire intentionally to a building, property or land with the intention of defrauding an insurance company is guilty of arson and shall be sentenced to

prison for at least one year and not more than five years in jail. This section also states that the placing of an inflammable substance for the intention of starting fire on a building property for land is an offense.

FN section 453 prohibits a person from possessing an inflammable substance with the intention of using the same for arson. It was clear that the defendant violated the arson statute since she willingly and intentionally set fire on property. According to the court of appeal, the case was not analyzed in terms of general and specific intention. Rather the case was analyzed and discussed to determine if the perpetrator was in a clear state of mind to commit the offense. The appeal discussed the state of mind that is determined as differentiated from the less strict condition of having the knowledge of an act to start a fire. The court of appeal sought to establish whether under the federal arson statute, the defendant committed an offense. The statute states that for an offense to be committed, the fire must be set with the knowledge that the consequence will be burning down a building. The defendant's argument under title 18 of the U.S code section 81 was discarded. The court rejected the defendant's position that she was liable only if she acted purposefully. The court relied on two case laws from the Arizona appellate court, *State v. Vickers* (1984) and *State v Walker*, supra 675 which held that, the words willfully and malicious did not need a particular intent to set fire.

THE DECISION OF THE APPELLATE COURT

The judgment was affirmed and it was found that the defendant had the mental state to commit the offense that violated section 451 subdivision (b) of the penal code. It was established that the defendant **willfully and malicious** started the fire. It was also found that the defendant willfully set fire on the apartment with the intention of defrauding an insurance company. The mens rea existed for the offense to be committed. The court established that in order for someone to act willfully there is no obligation the defendant acts with a particular intent, *People v. Gonda* 1982. According to *People v Bohmer* (1975) and *People v. Garcia*, (1970), a defendant who acts maliciously is not required to have a particular intent. Section 450 (e) of the penal code defines malicious as a wish to aggravate, swindle, anger or injure another human being. It also defines malicious as intent to commit a wrongful act. The punishment that was given was in accordance with the definition given by section 452 subdivision (b).

MAJORITY OPINION

The court of appeal found out that there was substantial evidence to support the jury's verdict in the case. The defendant's husband and Duke provided vital information that showed the defendant committed an offense. Duke said the defendant instructed him to put all the furniture at the center of the living room so that the fire could spread well. The court of appeal established that the force of the fire made the accomplice and Dukes to be blown out of the apartment through an open door. There was sufficient evidence which indicated the existence of intent to burn the property in order to seek compensation from the insurance company. It was clear the defendant made sure the fire was started so that it spreads throughout the apartment. Majority of the jury found the specific intent to burn the building.

CONCURRING OPINION

It is evident that the arson statute warranted for the existence of a specific intention. Even if there was a sense of duty to instruct, the mistake could have been harmless. It is clear that there was no sensible possibility that the jury would return a verdict which was different. The evidence provided was not contradictory and overwhelmingly showed that there existed a specific intent to burn the apartment. Therefore, there was substantial evidence to support the jury' verdict in this case.

DISSENTING OPINION

The defendant in the case who is Joan Glover appealed a judgment of conviction for arson. The arson was of an inhabited structure which violated the Penal Code section 451. The defendant appealed that there was no sufficient proof to warrant her conviction for the offense. She claimed that her actions were not with the necessary intent to set fire on the uninhabited structure. She further said that she there was instructional error in the case. The superior court of Los Angeles found out that there was no prejudicial error and hence **affirmed the judgment**.

COMMENTS BY THE STUDENT

I believe the jury did a good job by upholding the previous judgment since the evidence provided by the prosecution was sufficient to warrant for the conviction. The defendant in this case violated the provision of the arson statute and had the intention to burn the property. Her former husband's testimony and Duke's statements also reinforce this. A crime was committed and the judgment was fair. The defendant's claim that she did not have the intention to commit the crime is questionable since she had previously contacted other people about the plan that she had.

PRINCIPLE OF THE CASE

The court of appeal abided by the principles established by the previous court. The court abided by the decision in *People v. Ashley* (1954) which held that arson is a specific intent crime. It also abided by the previous ruling since it was clear from the evidence that the defendant had committed a crime. The court found out that the defendant violated the arson statute and **had the intention** to defraud an insurance company. Through the evidence collected by Pomona arson investigators, it was clear the fire was started using kerosene and the defendant's wish was for the fire to have extensive damage. This is further shown by the spray painting on the wall which was an action aimed at covering the crime that had been committed.

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