

Chapter

3

Problems in Society

After the Friday night football game, Grace, Jim, Ben, and Liz are on their way to Jim's car in the parking lot of the Franklin High Stadium.

Jim: That was some game, wasn't it?

Grace: What are you talking about? We lost 51-0.

Liz: Hey, look over there. Somebody broke out all the windows in the Vikings' team bus! It looks like they let the air out of the tires too.

Ben: Serves them right.

Liz: Ben! That's vandalism you're applauding. You know, whoever did that will have to pay for the repairs.

Grace: I'll bet it was those guys from the south side who did it.

Jim: There you go again blaming them for every little thing that goes wrong at this school.

Liz: Leave her alone, Jim. She's got a point. I hear those guys are all on drugs.

Grace: She's right. Didn't you hear about that new kid, Reed, who transferred in last week? He was at Serenity Hall because he was on drugs.

Liz: I heard he was abused at home and had to be put in the custody of Children's Services.

Ben: So he's in a foster home, is that what you're saying?

Liz: I guess so.

Grace: You're both wrong. He was in the Juvenile Detention Center for shoplifting.

Jim: Is shoplifting a serious crime?

Grace: Of course, it's serious! Don't you remember Mrs. Martin telling us about that?

Jim: I missed that class.

Ben: As I recall, you were in court getting fined for going through a stop sign.

Grace: Now why did you do a stupid thing like go through a stop sign?

Jim: I was late going home and I just wanted to save some time.

Grace: Well, you really didn't save any time, did you? And, now you have a traffic offense on your driving record.

New Terms

public policy, p. 38
drug use, p. 38
addiction, p. 38
sobriety check-
point, p. 40
domestic
violence, p. 41

vandalism, p. 42
shoplifting, p. 42
delinquent
child, p. 43
unruly child, p. 43
rehabilitation, p. 44



Learning Objectives

1. Identify some problems of modern society.
2. Define the doctrine of public policy.
3. Distinguish among laws that protect against drug use and domestic violence.
4. Describe some laws related to property violations.
5. Explain how due process applies to minors who violate the law.



The Spirit of the Law

In today's fast-paced and complex society, some problems seem to stand out more than others. For example, alcohol and drug use continue to plague society and are the cause of many other social problems, including criminal activity. Violent acts against family members also have become major concerns. Vandalism and juvenile delinquency are continuing problems as well.

Legal Issues

1. Are drugs considered illegal substances?
2. Can parents who abuse their children lose custody rights?
3. Does the law require vandals to pay for repairs to property they have damaged?
4. Can licensed juveniles be fined like adults for traffic offenses?

Crime and Criminals

Individuals have the right to expect the government to protect them from harm. The doctrine of **public policy** gives federal and state governments the right to regulate the health, safety, welfare, and morals of the people. These governments also have the duty to protect the people. Laws against crimes provide this protection. Many factors have contributed to our awareness of the effects of crime and the behavior of criminals, including the openness of our society and the improvements in our communications networks. Governments have responded to this increased awareness by passing laws that expand the nature and scope of certain crimes and criminal behaviors.

A recent expansion is in the classification of sexual offenses, such as rape. One such newly acknowledged crime is date or acquaintance rape. Victims have become aware that they are not the only ones who have been treated in this manner by their alleged friends or dates. In many states rape includes not only sexual relations with an unwilling person, but also other types of illegal sexual conduct. Many statutes also no longer specify the sex of the victim of a sexual attack. In addition, statutes also cover situations in which the victim is deliberately intoxicated or drugged for purposes of engaging in sexual conduct.

Another sexually related crime to come to light in recent years involves sexual attacks against people with mental disabilities. Some of these cases have involved victims in mental health facilities attacked by staff. Others have involved teenage victims who have been attacked by other teens.

Drug Use

Another serious and far-reaching issue facing society today is the problem of drug use. **Drug use** involves the use of substances that are illegal and harmful, including alcohol and tobacco which are legal for adults but not for teenagers or children. **Addiction** occurs when a person can no

longer function normally without regularly consuming drugs or alcohol, with a tendency to increase use.

Alcohol

Alcohol is the major chemical found in beer, wine, whiskey, and other distilled beverages. It is the most commonly used drug in the United States, despite the strict laws controlling its sale.

A merchant or bartender convicted of selling an alcoholic beverage to someone who is underage may be jailed or fined and may lose the license required to sell such beverages. The underage individual also may be prosecuted for making the illegal purchase, for lying about his or her age, or for both.

Example 1. Jane Evans, 17, went to a bar with some older friends. She had borrowed a driver's license from a 22-year-old friend to use for proof of her age. The bartender, however, did not ask her for any identification. Her purchase of hard liquor was observed by an undercover agent for the state liquor control board. When asked for identification, Evans produced the borrowed driver's license. The agent could tell immediately that Evans did not match the physical description on the license. Under questioning, she admitted her true age. Convicted of selling liquor to someone who was underage, the bartender was fined \$500, and the bar owner lost his liquor license. Evans was charged with juvenile delinquency and placed on probation by the juvenile court judge.

Law in Other Cultures

Saudi Arabia

Drinking alcoholic beverages is against the law in Saudi Arabia. Saudi Arabia is one of a group of nations in the Middle East in which the laws that govern society are tied to the beliefs of Islam. Islam is a religion founded by the prophet Mohammed in the early seventh century A.D.

Muslims, as the followers of Mohammed are called, believe in the *Koran*, a book of sacred writings, as the word of God revealed to Mohammed. The *Koran* describes the five duties that all Muslims must fulfill. They include confession of faith, prayer, fasting, giving to charity, and making a once-in-a-lifetime pilgrimage to the holy city of Mecca.

In addition to the commands of the five "pillars of faith," the *Koran* also prohibits certain things. For example, charging interest to individuals, eating pork, gambling, and using alcohol or intoxicating drugs are strictly forbidden.

Muslim laws govern all aspects of life—from diet to relationships with others. For Muslims, there is no division of life into compartments or applying different rules to different parts of life. The same God-given rules and standards apply to all aspects of life and govern all of a person's actions.

The civil code that governs society in an Islamic country, then, is based on Muslim law. Making a living from activities such as gambling, earning interest, or manufacturing and selling alcoholic beverages or pork products will not be permitted by law; nor will businesses or establishments that thrive on such activities.

1. To what religion are the laws that govern society in Saudi Arabia tied?
2. What kinds of activities does Muslim law forbid?

FYI

When you use public roads, you agree to give law enforcement officials permission to test you for alcohol use if you are arrested on suspicion of driving and drinking. This permission is known as implied consent, and it is the law in all 50 states.

Drunk driving is a particularly serious problem. Many states have very tough penalties for driving while intoxicated. In Florida, for example, a first conviction brings a minimum fine of \$250, 50 hours of required community service, and a six-month loss of license.

Recent court decisions have held that bartenders who sell drinks to intoxicated customers can be held liable for injuries caused by the customers' drunk driving. Similarly, an Indiana court held a barroom customer liable for buying "one more drink" for another customer who was intoxicated. The intoxicated customer struck and killed a jogger while driving home. Going even further, courts in New Jersey and Iowa have extended the same liability to social hosts. When hosts serve alcohol to intoxicated guests, they become liable for injuries caused by the drunken guests. Under the laws of many states, social hosts are criminally responsible for providing alcoholic beverages to underage guests.

In 1990, the U.S. Supreme Court upheld the constitutionality of sobriety checkpoints. A **sobriety checkpoint** is a temporary roadblock set up by police to stop cars at random to check for drunk drivers. People opposed to such checkpoints argue that they violate the Fourth Amendment's rule against unreasonable searches. The U.S. Supreme Court held that the effectiveness of the checkpoints outweighed the intrusiveness of the search.

Drugs

Drugs are chemicals that alter the functions of the mind or the body. As with alcohol use, drug use can lead to even more serious problems. For example, some drugs, such as heroin, can cause addiction. To obtain drugs illegally, which can be very expensive, addicts may become habitual thieves.

Possession, distribution, or sale of certain drugs may violate a federal law, a state law, or both. The Federal Controlled Substances Act classifies such drugs into five groups and sets penalties for each group. Each state also sets its own penalties. As a result, sentences may differ from state to state for identical offenses. Still, the laws among the states have many things in common. The sale of drugs is always considered a more serious offense than the mere possession or use of those drugs. It is a crime not only to sell or possess drugs, but also to give them away. In addition, people must be aware that even if they personally have nothing to do with drugs, they can be prosecuted for associating with those who do.

Example 2. A state highway patrol officer chasing a speeding car in Ohio saw one of the two occupants of the rear seat throw a packet out the window. When the officer retrieved the package, he found that it contained marijuana. Both the driver and the front seat passenger claimed they could not be prosecuted because only the back seat passengers had possession of the drug. The court, however, disagreed, ruling that the patrol officer had reasonable grounds to believe that everyone in the car had possession of the drug.

Domestic Violence

A large number of children, spouses, and elderly people are victimized by members of their families. This violence may take the form of

physical or mental abuse. Any reckless form of physical or mental abuse between family or household members is known as **domestic violence**. Children are protected by child endangering or child abuse statutes, which prohibit neglect, ill treatment, and abuse. These laws provide for the removal of mistreated children to places where they will be treated properly. The laws also provide for the punishment of people who abuse children. Although parents have a natural right to the control and custody of their children, this right can be taken away if the children are mistreated. The laws of many states require teachers, physicians, nurses, and others who would be in a position to recognize signs of child abuse to report suspected cases of such abuse. In addition, some states protect the identity of such informants and grant them immunity from prosecution. Usually, the local children's services agency is responsible for taking and investigating such reports.

The law also protects a married individual from being abused by his or her spouse. In most cases of spouse abuse, the wife is victimized by the violent outbursts of her husband. Many communities today have established shelters where abused and battered wives can seek safety. Wives who wish to protect themselves from continual abuse caused by their husbands may seek legal help from the courts. One such remedy is the protective order. A *protective order* is an order from the court to stop certain actions and cease contact. It bars the abusing spouse from maintaining any contact with the victim. Such orders are enforced by the local police.

Often cases of spouse abuse also involve incidents of child abuse. In such cases, victimized spouses have a double motivation for removing themselves from unhealthy and dangerous situations. They must protect themselves and their children, and the courts have been known to remove children from the custody of parents who are unwilling or unable to provide a safe home for their children by leaving their mate.

Example 3. The juvenile court in a Nebraska town had removed a child from his mother's custody. The mother, to reestablish her custody rights, had to demonstrate to the court that she could provide a safe home for the boy. Specifically, the court wanted her to prove that she could stay away from her violent husband. When she failed to do this, the court terminated her custody rights. The Nebraska Supreme Court upheld the juvenile court's order.

Children and spouses are not the only victims of abuse, neglect, and violence. Elderly parents who must live with their children have also been victimized. Some states have dealt with this problem by passing domestic violence statutes. Such statutes outlaw physical violence directed at any family member. Family members include wives, husbands, children, and parents.

Harm to Property

Often people have serious misconceptions about what they can and cannot do under the law. Actions they treat as pranks, jokes, or dares sometimes involve breaking the law. The fact that a person does not realize he or she is violating the law really makes no difference. The old maxim "ignorance of the law is no excuse" is still quite valid.

YOU And The LAW

What are the procedures for investigating and prosecuting neglect or child abuse cases in your state? Are people in certain occupations required to report evidence of abuse?

Vandalism

In many communities today vandalism is quite a serious problem. **Vandalism** is the willful or malicious causing of damage to property. It is called *malicious mischief* in some states and *criminal damaging* in others. If the value of the damaged property is not very great, the charge is less serious. Vandalism may be considered a serious crime, however, especially if the damage is extensive.

In the opening vignette, Grace and the others suspect that the southsiders vandalized the Vikings' bus. Liz correctly points out that whoever did the damage would have to pay for repairs. Because the cost of repairing the damage resulting from vandalism can be high, young vandals are often required to pay the cost or provide the work needed to restore the damaged property. Under parental liability laws, the parents of vandals are also often required to pay for the damage done by their children. The amount of the parents' liability is limited, ranging from \$300 in some states to \$2,000 in others.

To be guilty of vandalism, a person does not have to be the person who actually does the damage. Anyone who keeps watch for passersby while others commit the act is considered guilty, too.

Example 4. Helen Jenkins was out walking with a group of her friends one night. They passed the obviously empty home of a teacher who had disciplined one of them that day. To "get even" with the teacher, they entered the home, broke some eggs on the tops of several tables, and then slashed several feather pillows, shaking the feathers on to the egg-covered tables. Ultimately, they were identified by a neighbor and arrested. Jenkins claimed that she was not guilty, since she had been left outside as a lookout. The court still ruled that she was as guilty as the others. The young people were required to do yard work and other chores for the teacher, and their parents were required to pay for the damages.

Shoplifting

Shoplifting is a form of stealing that costs American consumers billions of dollars each year. **Shoplifting** is the act of stealing goods from a store. The severity of the charge depends on the value of the goods stolen. Shoplifting losses and the cost of extra security increase retail prices an average of two to three percent. Shoplifters are actually hurting themselves, their families, and all other consumers as well.

Shoplifting can be very hard to prove; the person can claim that he or she intended to pay for the item but either forgot or had not yet had the chance to do so. Many states have laws that regard the concealment on one's person of an article offered for sale to be *prima facie evidence* of an intent to steal. This means that the evidence is enough to legally establish a fact or a case unless disproved. Under these laws, the prosecution would not have to prove that the defendant had an intent to steal. Rather, the defendant who concealed the merchandise would have to prove that he or she did not intend to steal.

Example 5. Jeff Burns had a bet with his friend that he could get a football out of a local sporting goods store without being caught. Burns asked to try on some ski pants and was able to get the football

into the dressing room. There, he let the air out of the ball and put it under his shirt. He then put on his jacket and started to leave the store. The owner, who had been less busy than Burns thought, challenged Burns. Burns was unable to claim that he did not intend to steal the ball, since he had concealed it on his person. The juvenile court judge placed Burns on probation and ordered him to work two Saturdays without pay for the store owner.

Special shoplifting statutes give store owners the right to detain a person in a reasonable manner if reasonable grounds exist to think that the person is a shoplifter. Many store owners wait until the suspect has actually carried the goods out of the store before making an accusation. This tactic avoids any possibility of being sued by the suspect for false arrest or false imprisonment.

Motor Vehicle Violations

Being issued a license to drive a motor vehicle is considered a privilege, not a right. It is a privilege that can be suspended temporarily or permanently if the driver abuses it. Therefore, new drivers especially should know and strictly obey the motor vehicle laws in their own states. In answer to Legal Issue 4, young drivers who break traffic laws do not have the protection of being classified as juveniles in most states. They may be tried in traffic court and can be fined or have their licenses suspended or revoked, as if they were adults. This is what happened to Jim in the opening vignette. Despite the fact that he is a minor, he was fined for going through a stop sign in the same way that an adult would be fined.

Another problem for the driver who violates motor vehicle laws is the payment of damages. Because young drivers as a group have so many more accidents than the general population, their insurance rates are very high. With each accident that a young driver has, that driver's rates are increased. Finally, the insurance company may refuse altogether to issue a policy. Failure to obtain required insurance may, in some states, result in loss of driving privileges.

Many states have statutes that specifically outlaw drag racing and joyriding. Drag racing generally includes not only the unauthorized racing of two vehicles side by side, but also timing vehicles that separately run a prearranged course. Joyriding occurs when someone, without the permission of the owner, temporarily takes a motor vehicle. It is important to remember that in both drag racing and joyriding, all those who participate, not just the drivers, can be held liable.

Delinquent and Unruly Children

Every state in the United States has passed statutes that define and distinguish between delinquent and unruly children. A **delinquent child** is generally defined as a minor, under a certain age (usually 16, 17, or 18), who has committed an act that would be a crime if done by an adult. In contrast, an **unruly child** is a minor who has done something that would not be a crime if it were done by an adult. Such actions include truancy, using tobacco, running away, violating curfew, using profanity, and disobeying parents or teachers.

Reducing Legal Risks

Know and respect the laws for your state that pertain to alcoholic beverages: the minimum age for purchase, the minimum age for consumption, and the penalty for drunk driving.

Juvenile and domestic relations courts usually handle unruly and delinquent children, and their cases are handled differently. Under the traditional legal concept of *parens patriae*, which means "the state is the parent," the government is responsible for children. As the theory goes, children commit crimes or are unruly because they have been abused, mistreated, or neglected. The state has the duty to see that they receive proper care to correct their tendency to commit misdeeds. The goal of the juvenile court system is **rehabilitation**, that is, to restore the offender to a useful life rather than to impose harsh penalties.

Many states are setting up stricter standards for the treatment of youthful offenders. They take a much less sympathetic view of criminal activity on the part of juveniles, especially when the offenses involved are either violent or drug related. No longer viewed as victims of society, the offenders are considered misfits who are victimizing society.

Under certain circumstances, many states try a minor over a certain age (usually 14) as an adult in the criminal court instead of as a minor in juvenile court. This waiver or transfer occurs when the minor has been in serious trouble previously or has committed a violent offense that has caused serious bodily harm. In deciding whether or not to transfer the case out of juvenile court, the following factors are considered: (1) the seriousness of the offense; (2) the minor's family, school, and social history; (3) the minor's court and delinquency record; (4) the protection of the public; (5) the nature of past treatment efforts; and (6) the likelihood of rehabilitation.

Example 6. Sam Martin, 16, was caught committing armed robbery of a gas station. Because the offense was serious and because he had been before the juvenile court several times previously, the case was transferred from juvenile court to the adult criminal court. Martin was convicted of armed robbery and acquired a lifelong criminal record.

Before 1967 the courts did not recognize minors as being entitled to the same due process rights as adults. In that year, however, the U.S. Supreme Court ruled that persons who go before juvenile courts must be given the same constitutional rights as people who go before other types of courts. The Court said that juveniles have the right to remain silent when arrested, the right to know the specific charges against them, and the right to be represented by an attorney. They may confront and cross-examine the people who bring charges against them. The Supreme Court's decision was important, because it stated in very definite language that full protection of the Constitution must be extended to everyone, regardless of age.

Chapter

3 Review



Summary

Carefully read the summary below before completing the chapter review.

1. The doctrine of public policy gives federal and state governments the right to regulate the health, safety, welfare, and morals of the people.

2. Federal and state governments have the duty to protect the people. Laws against crimes provide this protection.
3. Substance abuse involves the use of drugs or alcohol to such an extent that a person's judgment is impaired or his or her physical body is harmed. Chemical dependency occurs when a person can no longer function normally without regularly consuming drugs or alcohol.
4. Children, spouses, and the elderly are sometimes victims of physical or mental abuse by members of their families; this is known as domestic violence.
5. Vandalism and shoplifting are two types of property violations.
6. In most states, young licensed drivers who break traffic laws are treated as adults.
7. A delinquent child is a minor who has performed an act that, if performed by an adult, would be a crime. An unruly child is one who has done something that would not be a crime if it were done by an adult.
8. Minors have the same due process rights as adults.



Language of the Law

Choose the term from the list that has the same or nearly the same meaning as the italicized words in each sentence below. Then rewrite the complete sentence on a separate sheet of paper.

- | | | | |
|----------------|--------------------|-----------------------|-----------------|
| rehabilitation | ✓ delinquent child | ✓ sobriety checkpoint | ✓ drug use |
| ✓ unruly child | ✓ vandalism | ✓ domestic violence | ✓ public policy |
| ✓ shoplifting | ✓ addiction | | |

1. An *illegal or dangerous substance* harms a person's mind or body.
2. A crime that costs American consumers billions of dollars each year is *the act of stealing goods*.
3. The doctrine of *governments' rights* allows federal and state governments to regulate the health, safety, welfare, and morals of the people.
4. Statutes defining *a minor who has committed an act that would be a crime if done by an adult* are found in every state.
5. In 1990, the U. S. Supreme Court upheld the constitutionality of *temporary roadblocks to check for drunk drivers*.
6. If damage is extensive, *willful or malicious causing of damage to property* may be considered a serious crime.
7. When *a need for regular consumption of drugs or alcohol* exists, the person can no longer function normally without drugs or alcohol.
8. People who are mistreated by family members are victims of *a reckless form of physical or mental abuse*.
9. The actions of *the minor who has done something that would not be a crime if it were done by an adult* include truancy and running away.
10. The goal of the juvenile court system is *to steer the youthful offender in the right direction*.



Questions for Review

Answer the following questions. Refer to the chapter for additional reinforcement.

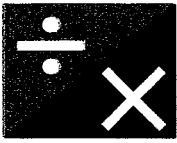
1. What right does the doctrine of public policy give to governments?
2. What can happen to a merchant or bartender who sells an alcoholic beverage to a minor? What can happen to the minor?
3. Are the penalties for drug offenses the same in all states? Explain.
4. What are two offenses that might relate to alcohol use? Drug use? Domestic violence?
5. When may the right to the control and custody of children be taken away from parents?
6. What is “prima facie evidence”? What constitutes prima facie evidence of an intent to steal? What do prima facie evidence laws mean for the prosecution? For the defendant? In what crime might prima facie evidence apply?
7. When is vandalism a felony? A misdemeanor?
8. Many states have statutes that outlaw two kinds of vehicle games. What are the terms for these games? What do the terms mean?
9. What is the difference between a delinquent child and an unruly child?
10. What rights does a minor have when accused of a crime?



Applying Critical Thinking Skills

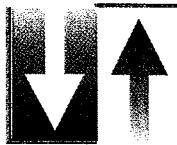
Apply your understanding of the chapter concepts by answering the questions below.

1. In recent court decisions, bartenders who sell drinks to intoxicated customers have been held liable for injuries caused by the customers’ drunk driving. What effect might these decisions have on bartenders? On bars? On customers? On the problem of drunk driving?
2. Under current laws, a person can be prosecuted for associating with others who are using or selling drugs. How might these laws affect the drug problem? What should a bystander do when drugs appear?
3. Gail, a young teenager, confided to her friend Denise that she had been abused by her stepfather. Denise suggested that Gail tell the school nurse. Was this good advice? What do the laws provide to take care of situations like this?
4. Minors with driver’s licenses are treated as adults when they break traffic laws. Is this reasonable? Why or why not? Should minors be treated differently than adults for certain violations? Should penalties for minors be different from those for adults? Explain.
5. The theory under the traditional legal concept of *parens patriae* is that children commit crimes because they have been abused, mistreated or neglected. Many states are now taking a less sympathetic view of juvenile crime. The offenders are considered misfits who are victimizing society rather than victims of society. Do you think this change is reasonable? Why or why not?



Applying Math Skills

Geoff Merkle was cited for three traffic violations: speeding, failure to yield right of way, and failure to use a safety belt. The fines for these offenses were \$150, \$80, and \$45, respectively. A clerk at the traffic bureau told Geoff that the fines for the two lesser offenses would each be reduced by 10 percent if he paid the fines for all three citations at the same time and not later than the date specified. If Geoff complies with these requirements, how much will he pay?



Cases in Point

For each of the following cases, give your decision and state a legal principle that applies:

1. Clare Bilandic was 17 but looked older. She tried to buy a beer at a local bar. The bartender asked her age and Bilandic said she was 22. When the bartender asked for Bilandic's identification, she told him she had left it in her car. The bartender sold her the beer. Could the bartender be prosecuted?
2. Molly Cleary has been abused and battered by her husband, Gene, almost since the first day of their marriage. Gene has started to beat their children, Jack and Sharon, as well. After several police reports and dropped charges, Children's Services investigates. Although Molly has been repeatedly counseled to leave Gene, she has refused to do so. The court inter-
- vened after a particularly brutal incident and took Jack and Sharon out of that dangerous environment. Molly argues that the court cannot do this. Is she correct? Explain.
3. David Doyle, a minor, was with some friends who broke the windows of a neighbor's house. Doyle and the others were arrested. What liability may fall on Doyle's parents?
4. Sally Smith had been shopping and had a shopping bag with her. She went into a stationery store, looking for a birthday present for a friend. She wandered up and down the aisles, trying to find just the right thing, but nothing satisfied her. As she started to leave, the store owner stopped her and demanded to see what was in her bag. What are the store owner's rights?
5. Georgette Johnson, 16, received a traffic ticket for speeding. This was her third traffic offense in the same year, so the traffic court judge suspended her license. Was it legal for the judge to do this?



Cases to Judge

In each case that follows, you be the judge.

1. An employee of a self-service liquor store watched Lee pick up two bottles of cognac worth \$16.47 each. Lee concealed one of the bottles in his pants and held the other in his hand. When approached by the employee, Lee returned both bottles to the shelf and fled. He was chased by the employee, who flagged down a police cruiser. Lee was arrested for shoplifting. Is he guilty of a crime? Explain. *Lee v. State*, 474 A.2d 537 (Maryland)
2. Dorothy Lucerno, a widow with two children, lived with a man. He beat her and, on one occasion, broke her jaw. After she gave birth to his child, he started beating her five-year-old son. Lucerno was charged with violating the child abuse law of New Mexico because she did not seek help to stop the man from beating her son. Lucerno claimed that she was afraid to seek help for fear of injury to herself. Should she be convicted of child abuse? Explain. *State v. Lucerno*, 647 P.2d 406 (New Mexico)