

## **ANSWER KEY**-Burglary & Related Crimes Worksheet

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1. The Smith family returns home after a night at a Mariners game. When Mr. Smith lets his dog out, he notices the door open to the shed in his backyard. He knows that he closed the shed before he left for the game. He walks out to the shed and finds a person asleep in his shed. He calls 911. You respond and find the person still asleep in the shed. Mr. Smith tells you that nothing is disturbed, and nothing is missing from the shed. What crime would you arrest the subject for?

**Criminal Trespass 1<sup>st</sup> Degree (not burglary because under Inference of Intent there is “evidence satisfactory to the trier of fact to have been made without such criminal intent”)**

2. Would it change the charges if Mr. Smith found the person asleep in his unfenced yard?

**Yes. Criminal Trespass 2<sup>nd</sup> Degree (unfenced does not = building, outside vs inside makes it 2<sup>nd</sup> instead of 1<sup>st</sup>)**

3. You are dispatched to the Target store. You are advised that security personnel are holding a subject who was found back inside the store after he had been banned from the premises. The suspect is male, 5' 8, 160 pounds, black hair, brown eyes, wearing a white jacket, blue jeans, and tennis shoes. Upon contact, security advises you that he recognized the subject instantly, and the suspect was arrested immediately after he entered the front door of the store. What would you arrest the suspect for?

**Burglary 2<sup>nd</sup> Degree (entering in violation of his “ban” from the store along with the rule of Inference of Intent makes this burg instead of trespass). However, most agencies are likely to arrest for Criminal Trespass 1<sup>st</sup> Degree instead of Burglary.**

4. Does anything change if the subject is observed concealing two DVD movies from a display into his coat pocket before he is detained?

**Yes. Add Attempted Theft 3<sup>rd</sup> Degree (not completed)**

5. Dispatch receives a call from Mr. Peterson advising that he just watched two unknown male subjects enter his neighbor's house through a back window. He reports that his neighbors are out of town. Multiple units respond and locate two male subjects hiding inside a closet in the master bedroom of the residence. What crime(s) has been committed?

**Residential Burglary (Inference of Intent, enter unlawfully, dwelling)**

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6. What would the charges be if one of the suspects was armed with a handgun when he was arrested?

**Burglary 1<sup>st</sup> Degree (Inference of Intent, enter unlawfully, building, armed with deadly weapon)**

7. The Johnsons have a detached garage next to their house. Mr. Johnson gets up Saturday morning and heads out to mow the lawn. As he gets to the garage, he sees the door open. He finds this odd, as he always locks the door when he gets home from work. He gets to the door, and sees pry marks on the jamb. He goes inside and looks around. He won't be mowing the lawn today, as his \$500 mower is gone, and he looks at his tool bench and sees a number of his tools are missing. He adds up the total, and realizes he is out \$400 in tools. When you find the suspect, would can you arrest him for?

**Burglary 2<sup>nd</sup> Degree (Inference of Intent, enter unlawfully, building other than a dwelling or vehicle—detached garage is not part of residence); Theft 2<sup>nd</sup> Degree (over \$750 and less than \$5K); Malicious Mischief 3rd Degree (less than \$750)**

8. What would the charges be if the garage was attached to the house, and you could access the house through the garage?

**Burg 2 becomes Residential Burglary (allows access to the home); all else the same.**

9. Jimmy, the neighborhood meth-head and burglar, breaks into the Davis's house up the street. He steals their \$2500, 46" plasma TV, and several gold coins, valued at \$3000. During the burglary, Mr. Davis wakes up due to the noise. Jimmy has already moved the TV and coins to his van, and goes back inside. He doesn't see Mr. Davis, and is moving through the house when they run into one another. Mr. Davis is standing between Jimmy and his avenue of escape. Jimmy punches Mr. Davis in an effort to get by him, and Jimmy escapes. The punch breaks Mr. Davis's cheek bone and orbital bone. Identify the crimes Jimmy has committed.

**Burglary 1<sup>st</sup> Degree (assaults someone therein); Theft 1<sup>st</sup> (over \$5K); Assault 2<sup>nd</sup> Degree (two ways: in commission of felony assaults another, and also by causing injury/bone fracture). Robbery 1<sup>st</sup> may work: need further details to show that he used force to retain the stolen property.**

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10. Bill is enjoying his new convertible on a warm summer day. He is out running errands and enjoying the sun. He stops off at a friend's house, without realizing that he left his wallet on the center console of the car, with the top down. There is \$60 in cash and his Visa card in the wallet. Johnny the neighborhood thief happens by, reaches into the open car and picks up the wallet from the center console. What crimes have been committed?

**Vehicle Prowl 2<sup>nd</sup> Degree (regular car); Theft 2<sup>nd</sup> Degree (access device)**

11. The Wilsons are on vacation in their new 35 foot Winnebago. They are touring the Eastern Washington wine country and having a wonderful three weeks. They stop at one of the wineries for a tour. When they return, they find the door to their RV open. They were sure that they closed it when they got out. As they walk up to it, they see that the window on the door is broken. They go inside and find the RV ransacked, the toilet overflowing, the cushions torn up, and the walls spray painted. There is \$5500 damage to the RV. What crimes have been committed?

**Vehicle Prowl 1<sup>st</sup> Degree (RV-vehicle that you live in); Malicious Mischief 1<sup>st</sup> Degree (over 5K)**

12. Ted is at the street races in Kent with his friends. He sees Sarah, who he knows from work, also at the races. He walks over to her and strikes up a conversation. They are talking when Zach, Sarah's overly-jealous boyfriend, sees them talking. Zach doesn't like any other guys talking to his girlfriend without his approval. Sarah tells Ted he better go. Ted walks to his car, and Zach starts running after him. Ted gets into his car, and locks the door. Zach breaks the window to Ted's car, doing \$500 damage, unlocks the door, and pulls Ted out of the car and beats him up. Ted suffers no serious injuries other than a fat lip and a black eye. What crimes has Zach committed?

**Burglary 1<sup>st</sup> Degree (entered unlawfully when hand crossed window threshold, building—does not exclude anything from definition); Assault 2<sup>nd</sup> Degree (in commission of a felony assaults another); Malicious Mischief 3<sup>rd</sup> Degree (less than \$750). *However, point out that Burglary 1<sup>st</sup> Degree uses the technical definition of "building" and is an aggressive charge for most prosecutors; this is not commonly seen and would most likely be arrested/charged as Vehicle Prowl 2<sup>nd</sup> Degree.* Assault 2<sup>nd</sup> may be a stretch with the Burglary – it is the assault which creates the felony, and the felony that makes the assault.**