

Attempted burglary

In this case, burglary involves entering premises (such as C**'s house) as a trespasser – that is entering without the owner's permission with the intention of stealing something inside it.

“Stealing” means taking property belonging to another – dishonestly, with the intention of permanently depriving the owner.

It is not necessary for someone to have taken anything in order to be guilty of burglary - an intention to take something is sufficient.

But in this case D** is not charged with burglary - he is charged with attempted burglary.

Before you can convict the defendant you must be sure of two things: first that he intended to commit burglary and second, that, with that intention, he did something which was more than mere preparation for committing that offence.

In this connection, it is said by the prosecution that using the *** to attempt to force open the **window amounted to more than mere preparation for the offence.

D says ***

So, the key questions for you to answer in relation to Count *, having regard to all the evidence and the directions which I give you are

Did D** ?

At the time that he did that, did he intend to burgle the premises?

Was what he did more than mere preparation for committing that offence?

If you are sure that the answer to all three questions is “yes”, D** is guilty of Count *. If the answer to any question may be “no”, he is not guilty of Count *.