

A woman decided to steal a necklace that belonged to her neighbor. She knew where the neighbor kept the necklace because she had been in the neighbor's house on many occasions when the neighbor had taken off the necklace and put it away in a jewelry box in the bathroom. One night, the woman went to the neighbor's house. The neighbor was away, and the house was dark. The woman opened the bathroom window, saw the jewelry box on the counter, and started to climb inside. As her leg cleared the window sill, the neighbor's dog began to bark loudly. Terrified, the woman jumped back outside and fled.

The crimes below are listed in descending order of seriousness.

What is the most serious crime, if any, committed by the woman?

- A. Burglary.
- B. Attempted burglary.
- C. Attempted larceny.
- D. No crime.

## Explanation:

In most jurisdictions, **burglary** is defined as the:

**unlawful entry** of a building or other structure  
with the specific intent to commit **any crime** therein—even if that crime is not completed.  
An unlawful entry occurs when any part of the **defendant's body** (or an object under his/her control) **crosses into the structure** without the possessor's consent or legal privilege. And the crime that burglars often intend to commit inside is **larceny**—ie, the unlawful taking and carrying away of another's personal property with the specific intent to permanently deprive that person of the property.

Here, the woman unlawfully entered her neighbor's house when her leg cleared the bathroom window sill. She did so with the specific intent to steal the neighbor's necklace. And though the woman did not succeed, she still committed burglary—the most serious of the listed crimes (**Choices B & D**). She also committed attempted larceny (the least serious crime) since she:

had the specific intent to commit larceny (ie, steal the necklace)  
committed an **act** in furtherance of the larceny (ie, opened and entered the window)  
but did not complete the crime (ie, failed to take the necklace) (**Choice C**).

### **Educational objective:**

Burglary is the unlawful entry of a building or other structure with the specific intent to commit a crime therein—but that crime need not be completed. An unlawful entry occurs when the defendant's body or an object under his/her control crosses into the structure without the possessor's permission or legal privilege.

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**Unlawful entry for burglary**  
(body or object crosses into structure)



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