

14.08
Issues In Burglary--Unauthorized Entry

To sustain the charge of burglary by unauthorized entry, the State must prove the following propositions:

First Proposition: That the defendant knowingly entered a[n] [(building) (house trailer) (watercraft) (aircraft) (railroad car) (motor vehicle)] [or any part thereof]; and

Second Proposition: That the defendant did so without authority; and

Third Proposition: That the defendant did so with intent to commit therein the offense of

_____.
If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/19-1 (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §19-1 (1991)).

Give Instruction 14.07.

This instruction and Instructions 14.07, 14.09, and 14.10 are based upon *People v. Tinkler*, 85 Ill.App.3d 528, 407 N.E.2d 985, 41 Ill.Dec. 487 (3d Dist.1980), *People v. Green*, 83 Ill.App.3d 982, 404 N.E.2d 930, 39 Ill.Dec. 339 (3d Dist.1980), and *People v. Vallero*, 61 Ill.App.3d 413, 378 N.E.2d 549, 19 Ill.Dec. 48 (3d Dist.1978). They hold that a burglary conviction based on remaining within will not stand upon proof that defendant entered without authority, whether defendant formed his intent to steal before or after his entry.

Insert in the blank the intended offense alleged in the charge.

Use applicable bracketed material.

When accountability is an issue, ordinarily insert the phrase “or one for whose conduct he is legally responsible” after the word “defendant” in each proposition. See Instruction 5.03.