

Burglary and distinguishing characteristic

[Law](#), [Crime](#)



Burglary, larceny, and robbery all involve theft or the possibility and/or likelihood of theft, but there are some important distinctions between the three. Burglary is essentially the act of breaking into a premises with the intention to commit a crime - usually theft, but other offenses are also included. A charge of burglary can be made whether or not a crime takes place inside the building or premises; the act of trespassing is what sets burglary apart from the other two crimes.

Robbery involves taking property which belongs to another person, by use of force or the threat of force or violence. The distinguishing characteristic of robbery is the use or threat of force; without this element, the crime committed is simple theft. In the case of robbery, the property is taken with the intent to permanently deprive the rightful owner of that property. But where burglary can be levied as a charge whether or not the crime took place, robbery can only stand as a charge if an actual theft did occur.

Larceny is itself a type of theft, but with a handful defining conditions which must be met. The threat or act of violence is not present, as in robbery; however, the larcenist must be in complete possession of the taken item and remove it from its original location. The length of time that the victim is deprived of his or her property (whether temporary or permanent) does not have bearing on the charge. Also, the theft qualifies as larceny whether the theft is carried out directly (by the larcenist) or indirectly (by a third party).

The controlling factor in identifying larceny is possession - whether or not the accused larcenist takes complete possession of the property and removes it from the possession of its rightful owner. In addition, the thief must have intent to steal, and the item stolen must have value. In virtually

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all jurisdictions, all three offenses are subclassified in varying degrees of severity. Works Cited Mansfeld, Yoel and Pizam, Abraham. (2006) Tourism, Security and Safety : From Theory to Practice. Burlington, MA : Elsevie