

1422 BURGLARY WITH INTENT TO STEAL; WHILE ARMED WITH A DANGEROUS WEAPON¹ — § 943.10(1), (2)(a)

INSTRUCTION WITHDRAWN

COMMENT

Wis JI-Criminal 1422 was originally published in 1984 and revised in 1991 and 1993. It was withdrawn in 1996.

This instruction was withdrawn and replaced by Wis JI-Criminal 1425A. Instead of creating separate instructions for "armed burglary," the Committee concluded that it was more efficient to provide "special question" instructions to address the penalty-enhancing provisions found in subsec. (2) of § 943.10. These are provided in Wis JI-Criminal 1425A, 1425B and 1425C and can be added to either of the general burglary instructions: Wis JI-Criminal 1421, Burglary With Intent To Steal; or, Wis JI-Criminal 1424, Burglary With Intent To Commit A Felony.

1. This instruction is drafted for burglary with the "intent to steal," committed while armed with a dangerous weapon. If "intent to commit a felony" is charged, combine the explanation of "while armed . . ." in this instruction with Wis JI-Criminal 1424. This instruction may also be useful as a model for other aggravated offenses defined in subsec. (2) of § 943.10.