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### Understanding Criminal Law -- How to Break Down a Criminal Statute

When faced with a criminal charge, it always helps to do your own research and reach an understanding of the statute you have been charged under. You should read the statute in the same way the prosecutor reads it. Lawyers are trained to read statutes and determine what the "elements" of the offense are. To do this yourself, you need to take each sentence and break it down into its essential components. For instance, here is a traditional burglary law:

"The breaking and entering the house of another in the night time, with intent to commit a felony therein, whether the felony be actually committed or not."

The key question to ask in order to get an understanding of a criminal law is: "if this didn't happen, would it matter"? If it matters, then it's an element; if it's an irrelevant detail, it's not.

1. The first necessary element of this law is that there be a "breaking and entering". After all, walking into a house by invitation wouldn't be a burglary.
2. The second element is that it be a "house of another". If you broke into your own house, it wouldn't be a crime.
3. The third element is that all this take place "in the night time". Although this is no longer a part of most burglary laws, this was the traditional way of defining a burglary.
4. The fourth element of the crime is that you're breaking into another's house "with the intent to commit a felony therein". If you broke into a house of another by pure accident (such as mistaking it for your own home) or for some other purpose that didn't involve committing a felony, you would not be committing a burglary (but you might be committing another crime).
5. The final element you can view as a modification of the fourth. By saying "whether the felony be actually committed or not", the law is clarifying that it is really the "intent" to commit a felony that matters, not the actual commission of the felony. After all, we don't want people getting away with a crime simply because they were incompetent and failed to actually succeed in committing a felony.

Understanding criminal law, and how to break down a statute, is crucial to understanding your rights and ensuring that you receive a fair trial.

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