

Question One

Jason, a down on his luck wine connoisseur, overheard that his boss, Tina, had purchased a bottle of Screaming Eagle Cabernet Sauvignon at a recent charity event. The lovely cabernet is one of the most expensive bottles of American wine available. Jason knew that Tina was travelling to France on business in the next week and decided that he just had to try the cabernet while she was away. He arrived at her home at 1am and entered the house through an unlocked back door. He found the cabernet, opened it, and accidentally spilled it all over the floor. His mission now impossible, he decided to leave and stop at HEB for a bottle of reasonably priced Apothic Red. On his way out, he noticed a beautiful crystal wine stopper. He reasoned that if he couldn't try the expensive wine, he may as well enjoy the stopper in his reasonably priced bottle before covertly returning the stopper to Tina by placing it in her desk at some day in the future.

The DA wants to charge Jason with burglary and larceny. Do you agree?

Burglary: The breaking and entering into a habitation at night, with intent to commit a felony, theft, or assault therein.

Larceny: The unlawful taking of another's personal property with the intent of permanently depriving the owner.