

**13.21 IMPAIRING OR IMPEDING TELEPHONE OR POWER TO A DWELLING TO
FACILITATE OR FURTHER A BURGLARY**

§ 810.061, Fla. Stat.

To prove the crime of Impairing or Impeding Telephone or Power to a Dwelling to Facilitate or Further a Burglary, the State must prove the following two elements beyond a reasonable doubt:

Give as applicable.

1. (Defendant)
 - a. damaged a [wire] [line] that transmitted [telephone service] [power] to a dwelling.
 - b. impaired equipment necessary for [telephone] [power] transmission to a dwelling.
 - c. [impaired] [impeded] [telephone] [power] transmission to a dwelling.
2. (Defendant) did so for the purpose of facilitating or furthering the [commission] [attempted commission] of a burglary of that dwelling.

To define a burglary, see instruction 13.1.

To define an attempt, see instruction 5.1.

Definitions.

§ 810.011(2), Fla. Stat. *Dubose v. State*, 210 So. 3d 641 (Fla. 2017).

“Dwelling” means a building or conveyance of any kind, including any attached porch, whether such building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it and is designed to be occupied by people lodging therein at night, together with the enclosed space of ground and outbuildings immediately surrounding it. [The enclosure need not be continuous as it may have an ungated opening for entering and exiting.] For purposes of this crime, a “dwelling” includes an attached garage.

§ 810.011(3), Fla. Stat. *Give if applicable.*

“Conveyance” means any motor vehicle, ship, vessel, railroad vehicle or car, trailer, aircraft, or sleeping car; and “to enter a conveyance” includes taking apart any portion of the conveyance.

“Impaired” means to be diminished, damaged, or weakened.

“Impeded” means to slow something down or prevent an activity from making progress at its previous rate.

“Facilitate” means to help or assist, or to make something possible or easier.

Comment

This instruction was adopted in 2007 [953 So. 2d 495] and amended in 2018.