

IN THE UTAH COURT OF APPEALS

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State of Utah,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Plaintiff and Appellee,)	
)	Case No. 20061109-CA
v.)	
)	
Jacob A. Webb,)	F I L E D
)	(September 13, 2007)
)	
Defendant and Appellant.)	2007 UT App 300

First District, Randolph Department, 051100067
The Honorable Clint S. Judkins

Attorneys: A.W. Lauritzen, Logan, for Appellant
 Mark L. Shurtleff and Joanne C. Slotnik, Salt Lake
 City, for Appellee

Before Judges Bench, Greenwood, and McHugh.

PER CURIAM:

Defendant Jacob A. Webb appeals his conviction of burglary, a third degree felony. See Utah Code Ann. § 76-6-202(2) (2003). Defendant argues that he should only have been convicted of misdemeanor burglary because the camping trailer at issue could be defined as a "vehicle" rather than a "building." We affirm.

Utah Code section 76-6-202 provides in relevant part, "[a]n actor is guilty of burglary if he enters or remains unlawfully in a building or any portion of a building with intent to commit . . . theft." Id. § 76-6-202(1)(b). The statute specifically defines "building" as follows:

"Building," in addition to its ordinary meaning, means any watercraft, aircraft, trailer, sleeping car, or other structure or vehicle adapted for overnight accommodation of persons or for carrying on business therein.

Id. § 76-6-201(1) (2003).

Defendant argues that, pursuant to certain definitions employed by the Utah New Automobile Franchise Act (the Act), see id. §§ 13-14-101 to -307 (2005), the camping trailer could be defined as a "vehicle" rather than a "building." Defendant reasons that he therefore should have been charged with burglary of a vehicle, a misdemeanor pursuant to Utah Code section 76-6-204. See id. § 76-6-204 (2003). Defendant fails to establish why the Act or its internal definitions apply to this case.

Under the plain language of the applicable statute, it is clear that section 76-6-201(1) includes "any . . . trailer . . . adapted for overnight accommodation of persons." Id. § 76-6-201(1). There is no dispute that the trailer at issue fits within this definition. Accordingly, the trial court did not err when it convicted and sentenced Defendant on the third degree felony burglary count.

Accordingly, we affirm.

Russell W. Bench,
Presiding Judge

Pamela T. Greenwood,
Associate Presiding Judge

Carolyn B. McHugh, Judge