WEST VIRGINIA CODE: §62-9-9

§62-9-9. Indictment for burglary.

An indictment for burglary shall be sufficient if it be in form, tenor or effect as follows (after following the form in section one):

That A....., on the ..... day of ....., nineteen ....., about the hour of ....., in the night of the same day, in the said county of ....., the dwelling house of one B....., there situate, feloniously and burglariously did break and enter, with intent the goods and chattels of ....., in the said dwelling house then and there being, then and there feloniously and burglariously to steal, take and carry away; and then and there in the said dwelling house, ... (here name the property, money or goods), of the value of ..... (describing each article stolen and the value thereof and the total value), of the goods and chattels (or money) of the said B....., (or whoever the goods or money belonged to), in the said dwelling house then and there found, then and there feloniously and burglariously, did steal, take and carry away, against the peace and dignity of the state.

And instead of describing burglary with intent to commit larceny, the indictment may charge any other felony thus: Burglary with intent to commit sexual assault or sexual abuse as, after the form herein is followed to the charge of the offense, "with intent in the said dwelling house feloniously and burglariously to sexually assault, (or sexually abuse) "one C....., forcibly and against his will," and "then and there in the said dwelling house did feloniously and burglariously sexually assault (or sexually abuse)" the said C....., forcibly and against his will, against the peace and dignity of the state." And burglary with intent to commit any felony may be charged in the same count.

An indictment for entering a dwelling house or an outhouse adjoining thereto, of another, in the nighttime without breaking, or in the daytime by breaking and entering, may be in the following form, tenor or effect (after following the form in section one):

That A ....., on the ..... day of ....., nineteen ....., in the said county of ....., in the nighttime of said day, the dwelling house (or outhouse, etc., describing the same) of one

B ..... then and there found, did feloniously and burglariously enter without breaking (or, if it be in the daytime, use the words "in the daytime of said day," etc., "did feloniously and burglariously break and enter," etc.), with intent the goods and chattels of B ..... therein found, feloniously and burglariously to take, steal and carry away; and then and there in the said dwelling house (or outhouse, etc.), one ..... and one ..... and ..... dollars in money, etc., of the value of ..... dollars, goods, chattels and money of the said B ..... then and there found, did feloniously and burglariously take, steal and carry away, against the peace and dignity of the state.

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And for entering without breaking, in the daytime, the same form shall be sufficient, without alleging therein that the act was done "burglariously."

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