

216.53. LARCENY BY [PRICE TAG] [PRODUCT CODE] [PRICE MECHANISM]
CHANGE IN EXCESS OF TWO HUNDRED DOLLARS. FELONY.

The defendant has been charged with larceny by [price tag] [product code] [price mechanism] change in excess of two hundred dollars (\$200).

For you to find the defendant guilty of this offense, the State must prove four things beyond a reasonable doubt:

First, that the defendant transferred a [price tag] [product code] [price mechanism] from [goods] [merchandise] in a store with a lower selling price to other [goods] [merchandise] in that store having a higher selling price.

Second, that the difference in price between the two was in excess of two hundred dollars (\$200).

Third, that the defendant presented the [goods] [merchandise] for purchase at the changed lower price.

And Fourth, that the defendant acted willfully and without authority, that is, the defendant acted intentionally and without justification or excuse.

NOTE WELL: The mere possession of goods or the production by shoppers of improperly priced merchandise for checkout shall not constitute prima facie evidence of guilt.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant willfully and without authority transferred a [price tag] [product code] [price mechanism] from [goods] [merchandise] in that store with a lower selling price to other [goods] [merchandise] having a higher selling price, that the difference between the two was in excess of two hundred dollars (\$200), and that the defendant presented the [goods] [merchandise] for purchase at the changed lower price, it would be your duty to return a verdict of guilty. If you do not so find or have

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GENERAL CRIMINAL VOLUME

DECEMBER 2024

N.C. Gen. Stat. § 14-72.1(d2)

a reasonable doubt as to one or more of these things it would be your duty to
return a verdict of not guilty.