

FELONIOUS BREAKING OR ENTERING—PLACE OF RELIGIOUS WORSHIP.  
G.S. 14-54.1. FELONY.

The defendant has been charged with felonious breaking or entering into a place of religious worship without the consent of the [owner] [tenant] and with the intent to commit a felony.

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

First, that there was

<sup>a</sup>[a breaking<sup>1</sup> by the defendant. (*State how breaking allegedly occurred*) would be a breaking.]

<sup>b</sup>[an entry by the defendant. (*State how entry allegedly occurred*) would be an entry.]

<sup>c</sup>[either a breaking<sup>1</sup> or an entry by the defendant. (*State how breaking allegedly occurred*) would be a breaking. (*State how entry allegedly occurred*) would be an entry.]

Second, that the building [broken into] [entered] [broken into or entered] was a place of religious worship.

Third, that the [owner] [tenant] did not consent to the [breaking] [entering] [breaking or entering].

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<sup>1</sup>A breaking need not be actual, but may be by threat of force, by some trick, or by fraudulent representation inducing someone to open an entry to him.

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And Fourth, that at the time of the [breaking]  
[entering] [breaking or entering], the defendant intended  
to commit the [felony of (*name felony*)]<sup>2</sup> [larceny]

If you find from the evidence beyond a reasonable  
doubt that on or about the alleged date, the defendant  
[broke into] [entered] [broke into or entered] a building  
that was a place of religious worship without the consent  
of the [owner] [tenant], intending at that time to commit  
the [felony of (*name felony*)] [larceny], it would be your  
duty to return a verdict of guilty. If you do not so find  
or if you have a reasonable doubt as to one or more of  
these things, it would be do your duty to return a verdict  
of not guilty.<sup>3</sup>

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<sup>2</sup>The crime that the defendant allegedly intended to commit  
should be briefly defined. Failure to define the crime may  
constitute reversible error. S. v. Elliot, 21 N.C. App. 555 (1974).

<sup>3</sup>Instructions on lesser included offenses should only be used  
when appropriate under the evidence in the case. If there is to be  
an instruction on lesser included offenses, the last phrase would be  
amended as follows: ". . . you would not return a verdict of guilty  
of felonious breaking or entering a place of religious worship, but  
would consider whether the defendant is guilty of..."