

FELONIOUS RECEIVING STOLEN GOODS FROM A PERMITTED CONSTRUCTION SITE--GOODS VALUED IN EXCESS OF \$300 AND LESS THAN \$1,000. FELONY. G.S. 14-72.6

The defendant has been charged with felonious receiving stolen goods from a permitted construction site.

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

First, that the property was stolen by someone other than the defendant.

Second, that the defendant [received] [concealed] that property.<sup>1</sup>

Third, that the defendant, at the time (he) (she) [received] [concealed] that property, knew<sup>2</sup> or had reasonable grounds to believe it was stolen.

Fourth, that the defendant [received] [concealed] that property with a dishonest purpose. (*State what purpose was, e.g., permanently depriving owner of his property*) is a dishonest purpose.)

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<sup>1</sup>In the event there is some dispute as to "receiving," the jury should be told what will constitute receiving or concealing goods.

<sup>2</sup>This knowledge may be actual, or it may be implied when the circumstances are sufficient to lead the party charged to believe the property was stolen. S. v. Parker, 316 N.C. 295, 303 (1986).

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Fifth, that the property was valued in excess of three hundred dollars (\$300) but less than one thousand dollars (\$1,000).

And Sixth, that the property was taken from a permitted construction site, that is a site where a permit, license, or other authorization had been issued by the state or local government entity for the placement of new construction or improvement to real property.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant, with a dishonest purpose, [received] (or) [concealed] property valued in excess of three hundred dollars (\$300) but less than one thousand dollars (\$1,000), which (he) (she) knew or had reasonable grounds to believe someone else had stolen, and the property was taken from a permitted construction site, it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt of as to one or more of these things, it would be your duty to return a verdict of not guilty.<sup>3</sup>

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<sup>3</sup>If there is evidence to support the submission of a lesser included offense, this last phrase would be amended as follows "If you do not so find or have a reasonable doubt as to one or more of these things, then you would not return a verdict of guilty felonious receiving stolen property from a permitted construction site, but would consider whether the defendant is guilty of . . . ."