

LARCENY BY PRICE TAG CHANGE. MISDEMEANOR. G.S. 14-72.1(d).

The defendant has been charged with larceny by price tag change.

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

First, that the defendant

a. [transferred a price tag from [goods] [merchandise] in a store to other [goods] [merchandise] having a higher selling price.]

b. [marked [goods] [merchandise] in a store at a lower price than shown on the price tag.]

c. [[substituted] [superimposed] a false price tag on [goods] [merchandise] in a store.]

Second, that the defendant acted willfully and without authority, that is, he acted intentionally and without justification or excuse.

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

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant willfully and without authority

a. [transferred a price tag from [goods] [merchandise] in a store to other [goods] [merchandise] having a higher selling price.]

b. [marked [goods] [merchandise] in a store at a lower price than shown on the price tag.]

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(Continued.)

c. [[substituted] [superimposed] a false price tag on [goods] [merchandise] in a store], and then 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 a reasonable doubt as to one or more of these things it would be your duty to return a verdict of not guilty.

NOTE WELL: N.C.G.S. § 14-72.1(e) changes the misdemeanor offense classification for subsequent convictions determined at the sentencing hearing.