

EMBEZZLEMENT OF STATE PROPERTY VALUED AT \$100,000 OR MORE BY PUBLIC OFFICERS AND EMPLOYEES. G.S. 14-91. FELONY.

*NOTE WELL: If the value of the property is one hundred thousand dollars (\$100,000) or more, there is a greater punishment. If the value of property is less than one hundred thousand dollars (\$100,000), use N.C.P.I.—Crim. 218.25.*

The defendant has been charged with embezzlement of state property valued at \$100,000 or more by a public officer or employee.

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

First, that the defendant [was an officer, agent or employee of the State] [had or held in trust any [bonds issued by the State] [[security] [property and effects] of the State]].

Second, that the defendant [embezzled]<sup>1</sup> [knowingly and willfully [misapplied] [converted] to the defendant's own use]] said [bonds] [security] [property and effects] of the State] [[willfully] [corruptly] abused such trust]] [[knowingly and willfully [aided and abetted] [assisted] with the embezzlement, misapplication, or conversion of said [bonds] [security] [property and effects] of the State].

And Third, that the value of the property was \$100,000 or more.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [was an officer, agent or employee of the State] [had or held in trust any [bonds issued by the State] [[security] [property and effects] of the State]], and that the defendant [[embezzled] [knowingly and willfully [misapplied] [converted] to the defendant's own use]] said [bonds] [security] [property and effects] of the State] [[willfully] [corruptly]

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<sup>1</sup> Embezzlement is the fraudulent taking of personal property with which one has been entrusted. Black's Law Dictionary (8th ed. 2004).

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abused such trust]] [[knowingly and willfully [aided and abetted] [assisted] with the embezzlement, misapplication, or conversion of said [bonds] [security] [property and effects] of the State]], and that the value of the [bonds] [security] [property and effects] was \$100,000 or more, 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, you will not return a verdict of guilty of embezzlement of state property valued at \$100,000 or more by a public officer or employee, but will determine whether the defendant is guilty of embezzlement of state property valued at less than \$100,000 by a public officer or employee.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [was an officer, agent or employee of the State] [had or held in trust any [bonds issued by the State] [[security] [property and effects] of the State]], and that the defendant [[embezzled] [knowingly and willfully [misapplied] [converted] to the defendant's own use]] the [bonds] [security] [property and effects] of the State] [[willfully] [corruptly] abused such trust]] [[knowingly and willfully [aided and abetted] [assisted] with the embezzlement, misapplication, or conversion of said [bonds] [security] [property and effects] of the State]], it would be your duty to return a verdict of guilty of embezzlement of state property by a public officer or employee. 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.