

N.C.P.I. —CRIM. 221.14 POSSESSION OF FIVE OR MORE COUNTERFEIT INSTRUMENTS.
G.S. § 14-119(b). Felony.

The defendant has been charged with possession of five or more counterfeit instruments.

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

First, that the defendant possessed five (or more) counterfeit instruments. An instrument is any currency, bill, note, warrant, check, order or similar document issued by a financial institution or governmental unit.¹ A counterfeit instrument is an instrument that purports to be genuine, but is not, because it has been falsely copied, reproduced, forged, manufactured, embossed, encoded, duplicated or altered.²

NOTE WELL: If constructive possession of instruments is an issue, or if an amplified definition of actual possession is needed, the trial judge should refer to N.C.P.I.--Crim. 104.41.

And Second, that the defendant intended to [injure] [defraud] any [person] [financial institution] [governmental unit].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant possessed five (or more) counterfeit instruments with the intent to [injure] [defraud] any [person] [financial institution] [governmental unit], 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 both of these things, it would be your duty to return a verdict of not guilty.³

¹ G.S. 14-119(c)(4).

² G.S. 14-119(c)(1).

³ 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 possession of five or more counterfeit instruments but would consider whether the defendant is guilty of..."

