

SECOND-DEGREE TRESPASS. G.S. 14-159.13. MISDEMEANOR.

NOTE WELL: By G.S. 14-159.14 first and second degree trespass have been designated lesser-included offenses of breaking or entering a building under G.S. 14-54 (see N.C.P.I.--Crim. 214.30 and N.C.P.I.--Crim. 214.34) and lesser-included offenses of felonious breaking or entering a vehicle or boat under G.S. 14-56 (see N.C.P.I.--Crim. 214.40).

The defendant has been charged with second-degree trespass. For you to find the defendant guilty of this offense, the State must prove three things beyond a reasonable doubt:

First, that the defendant [entered] [remained] on the premises of another.

Second, that the defendant did so without authorization.

And Third,

(a) [the defendant had been notified not to [enter] [remain there] by [the owner] [a person in charge of the premises] [a lawful occupant] [an authorized person]]

(b) [the premises were posted, in a manner reasonably likely to come to the attention of intruders with notice not to enter.]

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [entered] [remained] on the premises of another without authorization and that

(a) the defendant had been notified not to [enter] [remain] by [the owner] [a person in charge of the premises] [a lawful occupant] [an authorized person],

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(Continued.)

(b) the premises were posted, in a manner reasonably likely to come to the attention of intruders, with notice not to enter the premises, it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to any of these things, it would be your duty to return a verdict of not guilty.