

FELONIOUS BREAKING OR ENTERING—PLACE OF RELIGIOUS WORSHIP.
G.S. 14-54.1. FELONY.

The defendant has been charged with felonious breaking or entering into a place of religious worship without the consent of the [owner] [tenant] and with the intent to commit a felony.

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

First, that there was

^a[a breaking¹ by the defendant. (*State how breaking allegedly occurred*) would be a breaking.]

^b[an entry by the defendant. (*State how entry allegedly occurred*) would be an entry.]

^c[either a breaking¹ or an entry by the defendant. (*State how breaking allegedly occurred*) would be a breaking. (*State how entry allegedly occurred*) would be an entry.]

Second, that the building [broken into] [entered] [broken into or entered] was a place of religious worship.

Third, that the [owner] [tenant] did not consent to the [breaking] [entering] [breaking or entering].

¹A breaking need not be actual, but may be by threat of force, by some trick, or by fraudulent representation inducing someone to open an entry to him.

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And Fourth, that at the time of the [breaking]
[entering] [breaking or entering], the defendant intended
to commit the [felony of (*name felony*)]² [larceny]

If you find from the evidence beyond a reasonable
doubt that on or about the alleged date, the defendant
[broke into] [entered] [broke into or entered] a building
that was a place of religious worship without the consent
of the [owner] [tenant], intending at that time to commit
the [felony of (*name felony*)] [larceny], it would be your
duty to return a verdict of guilty. If you do not so find
or if you have a reasonable doubt as to one or more of
these things, it would be do your duty to return a verdict
of not guilty.³

²The crime that the defendant allegedly intended to commit
should be briefly defined. Failure to define the crime may
constitute reversible error. S. v. Elliot, 21 N.C. App. 555 (1974).

³Instructions 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 felonious breaking or entering a place of religious worship, but
would consider whether the defendant is guilty of..."