

(MISDEMEANOR) OPENING COIN- OR CURRENCY-OPERATED MACHINES BY UNAUTHORIZED USE OF [A KEY] [AN INSTRUMENT]. G.S. 14-56.1.

NOTE WELL: This instruction is also to be used when the defendant admits a previous conviction under G.S. 14-56.1. See G.S. 15A-928.

The defendant has been charged with opening a [coin] [currency] -operated machine¹ by the unauthorized use of [a key] [an instrument].

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

First, that the defendant opened a [coin] [currency] -operated machine. (*Describe machine*) is a [coin] [currency] -operated machine.¹

Second, that the defendant did this by use of a [key] [*describe instrument*].

Third, that the defendant was not authorized to use this [key] [*describe instrument*] in such manner.

And Fourth, that at the time the defendant opened the machine, he intended to steal money or property from it; that is, he intended to deprive the rightful owner permanently of possession of the money or property.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant opened (*describe*

¹G.S. 14-56.1 defines "coin- or currency-operated machine" as any coin- or currency-operated vending machine, pay telephone, telephone coin or currency receptacle, or other coin- or currency-activated machine or device.

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(Continued.)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant opened (*describe coin- or currency-operated machine*), and that he did so by use of a(n) [key] [instrument] and that the defendant was not authorized to use this [key] [instrument] in such manner, and that at the time the defendant opened the machine he intended to steal money or property contained therein, 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.