

(MISDEMEANOR) BREAKING INTO COIN- OR CURRENCY-OPERATED MACHINES.
G.S. 14-56.1, G.S. 14-56.3.¹

NOTE WELL: This instruction is also to be used when the defendant admits a previous conviction under G.S. 14-56.1 or 14-56.3. See G.S. 15A-298.

The defendant has been charged with forcibly breaking into a [coin] [currency] -operated machine.

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

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

Second, that the defendant did so forcibly. (*Describe how breaking occurred*) would be a forcible breaking.²

Third, that no authorized person consented to this forcible breaking.

And Fourth, that at the time the defendant broke into the machine, he intended to steal money or property from it; that is,

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. G.S. § 14-56.3 applies to "any vending or dispensing machine or device which is operated or activated by the use, deposit or insertion of United States paper currency."

²If the breaking is disputed, state what would and what would not be a forcible breaking.

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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 forcibly broke into a [coin] [currency] -operated machine without authority, intending at that time 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.