

FELONIOUS LARCENY—MOTOR VEHICLE PARTS WORTH MORE THAN \$1,000. FELONY.
G.S. 14-72.8.

The defendant has been charged with felonious larceny of (a) motor vehicle part(s).

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

First, that the defendant took (a) motor vehicle [part] [parts] belonging to another person.¹

Second, that the defendant carried away² the motor vehicle part(s).

Third, that the victim did not consent to the taking and carrying away of the motor vehicle [part] [parts].

Fourth, that at the time of the taking, the defendant intended to deprive the victim of the use of the part(s) permanently.³

Fifth, that the defendant knew the defendant was not entitled to take the motor vehicle part(s).

And Sixth, that the cost of repairing the motor vehicle was \$1000 or more.⁴

1. If there is evidence of conduct which would constitute "taking" but there is also evidence that the defendant's conduct fell short of what would constitute "taking," add the following to this element:

"(Describe conduct which would constitute a taking) would be a taking." See *S. v. Carswell*, 296 N.C. 101 (1978).

2. In the event that there is some dispute as to asportation the jury should be told that the slightest movement is sufficient.

3. In the event that there is some dispute as to permanent deprivation, the jury should be told that a temporary deprivation will not suffice. *But cf. S. v. Smith*, 268 N.C. 167 (1966).

4. The cost of repairing the motor vehicle means the cost of the replacement part and any additional costs necessary to install the replacement part in the motor vehicle. (G.S. 14-72.8)

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If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant took and carried away another person's motor vehicle part(s) without the other person's consent, knowing that the defendant was not entitled to take the part(s) and intending at that time to deprive the victim of the use of the part(s) permanently, and that the cost of repairing the motor vehicle was \$1,000 or more, 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 your duty to return a verdict of not guilty.