

FELONIOUS POSSESSION OF STOLEN GOODS FROM PERMITTED CONSTRUCTION SITE--GOODS VALUED IN EXCESS OF \$300 BUT LESS THAN \$1,000. FELONY. G.S. 14-72.6.

The defendant has been charged with felonious possession of stolen goods from a permitted construction site.

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

First, that (*describe property, e.g., a color TV set*) was stolen.¹ Property is stolen when it is taken and carried away without the owner's consent by someone who intends at the time to deprive the owner of its use permanently and knows that he is not entitled to take it.

Second, that this property was valued in excess of three hundred dollars (\$300) but less than one thousand dollars (\$1,000).

Third, that the defendant possessed this property.

NOTE WELL: *When constructive possession is at issue, or when a fuller definition of actual possession is desired, incorporate the relevant portions of N.C.P.I.--Crim. 104.41 at this point.*

Fourth, that the defendant knew or had reasonable grounds to believe that the property had been stolen.

Fifth, that the defendant possessed this property with a dishonest purpose. (*Describe purpose, e.g.,*

¹When the charge is possession, as opposed to receiving, it is not necessary for the State to prove that someone other than the defendant stole the property, as it is under a receiving charge.

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"*Converting it to his own use*") would be a dishonest purpose.

And Sixth, the property was taken from a permitted construction site, that is a site where a permit, license, or other authorization has been issued by the state or local government entity for the placement of new construction or an improvement to real property.

If you find from the evidence beyond a reasonable doubt that (*describe property*) was stolen, and that this property was valued in excess of three hundred dollars (\$300) but less than one thousand dollars (\$1,000), that on or about the alleged date the defendant possessed this property and knew or had reasonable grounds to believe that it was stolen, that the defendant possessed this property for a dishonest purpose, and that the property was taken from a permitted construction site, 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.²

² If there is evidence to support the submission of a lesser included offense, this last phrase would be amended as follows "If you do not so find or have a reasonable doubt as to one or more of these things, then you would not return a verdict of guilty of felonious possession of stolen property from a permitted construction site, but would consider whether the defendant is guilty of"