LARCENY BY AN EMPLOYEE.[1] G.S.14-74. CLASS H FELONY.

NOTE WELL: For offenses occurring on or after December 1, 1997, if the value of the property appropriated is $100,000 or more, use N.C.P.I. 216.60A.

The defendant has been accused of larceny by an employee. Now I charge that for you to find the defendant guilty of larceny by an employee, the State must prove five things beyond a reasonable doubt:

First, that the defendant was an employee of *(name employer)*.

Second, that *(name employer)* entrusted the defendant with *(describe property)* for the purpose *of (describe purpose)*.

Third, that instead of *(describe purpose of entrustment, e.g., "delivering the property")*, the defendant appropriated the *(describe property)* to his own *(or another's)* use.

Fourth, that the defendant intended to steal, that is deprive *(name* employer) of the *(describe property)* permanently.[2]

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[1]This statute does not apply to a defendant who has not attained his sixteenth birthday.

[2]In the event 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).

LARCENY BY AN EMPLOYEE. G.S.14-74. CLASS H FELONY. (Continued.)

And Fifth, that the defendant knew that he was not entitled to appropriate the property to his own (or another's) use.

So I charge that if you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant was an employee of (*name employer*) and that in this capacity he received (*describe property*) from (*name employer*) for (*describe purpose*) and that instead he (*describe misappropriation*), intending to deprive his employer of its use permanently, knowing that he was not entitled to do this, it would be your duty to return a verdict of guilty of larceny by an employee. However, 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.