

N.C.P.I.—Crim. 217.52

SAFECRACKING — BY USE OF [[MASTER KEY] [DUPLICATE KEY] [DEVICE] [[MADE] [OBTAINED]] IN AN UNAUTHORIZED MANNER] [STETHOSCOPE] [LISTENING DEVICE] [SURREPTITIOUS MEANS]. FELONY.

REPLACEMENT JUNE 2017

N.C. Gen. Stat. § 14-89.1(a)(3).

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217.52 SAFECRACKING — BY USE OF [[MASTER KEY] [DUPLICATE KEY] [DEVICE] [[MADE] [OBTAINED]] IN UNAUTHORIZED MANNER] [STETHOSCOPE] [LISTENING DEVICE] [SURREPTITIOUS MEANS]. FELONY.

The defendant has been charged with safecracking, which is the unlawful [opening] [entering] [attempting to open] [attempting to enter] a [safe] [vault] by the use of a [[master key] [duplicate key] [device] [[made] [obtained]] in an unauthorized manner] [stethoscope] [listening device] [surreptitious means].

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

First, that the defendant [opened] [entered] [attempted to open] [attempted to enter] a [safe] [vault] of another.

Second, that the defendant did so unlawfully; that is, knowingly and without the consent of any person authorized to give consent.

And Third, that the defendant did so by the use of a [[master key] [duplicate key] [device] [[made] [obtained]] in an unauthorized manner] [stethoscope] [listening device] [surreptitious means].<sup>1</sup>

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [opened] [entered] [attempted to open] [attempted to enter] a [safe] [vault] of another person, that the defendant did so knowingly and without the consent of any person authorized to give consent, and that the defendant did so by the use of [[master key] [duplicate key] [device] [[made] [obtained]] in an unauthorized manner] [stethoscope] [listening device] [surreptitious means], it would be your duty to return a

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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.

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1 “Surreptitious means” could include fraudulent means, such as fraudulently obtaining a combination, but is broader than that and could also include obtaining a combination in an unauthorized, non-fraudulent manner. *State v. Ross*, 792 S.E.2d 155 (N.C. Ct. App. 2016).