

FORGERY OF WRITINGS. COMMON LAW MISDEMEANOR;<sup>1</sup> FELONY.

The defendant has been charged with common law forgery.

For you to find the defendant guilty of common law forgery, the State must prove four things beyond a reasonable doubt:

First, that the defendant falsely [made] [altered] a(n) (*name writing*) by (*describe conduct*).

(When one is found in the possession of a forged instrument and is endeavoring to obtain money or advances upon it, you may infer that he either forged or consented to the forging of such instrument but you are not compelled to do so. You may consider this with all the other evidence.<sup>2</sup>)

Second, that at the time the defendant falsely [made] [altered] the (*name writing*), he intended to defraud.<sup>1</sup>

Third, that the (*name writing*) appeared to be genuine.

And Fourth, that the (*name writing*), if genuine, would apparently [have legal effect] [be evidence of another's legal rights]. (*Name writing*) would [have legal effect] [be evidence of another's legal rights], if (*describe appropriate circumstances*).

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant falsely [made]

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<sup>1</sup>S. v. Covington, 94 N.C. 913 (1886) and S. v. Brown, 9 N.C. App. 498 (1970). Common law forgery may be a felony if additional elements are met. See G.S. 14-3(b).

<sup>2</sup>The portion in parentheses may be appropriate where defendant had possession of the forged instrument and there is not direct evidence that he forged it. See S. v. Welch, 266 N.C. 291, 295 (1966).

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(Continued.)

[altered] the *(name writing)* by *(describe conduct)* intending to defraud, and the *(name writing)* appeared to be genuine and apparently would [have legal effect] [be evidence of another's legal rights], 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.