

[ALTERING] [DESTROYING] [STEALING] EVIDENCE OF CRIMINAL CONDUCT. G.S. § 14-221.1.
FELONY.

The defendant has been accused of [altering] [destroying] [stealing] evidence relevant to a criminal [offense] [court proceeding].

For you to find the defendant guilty of [altering] [destroying] [stealing] evidence relevant to a criminal [offense] [court proceeding], the State must prove [four] [five] things beyond a reasonable doubt:

First, that the defendant knowingly and intentionally¹ [altered²] [destroyed³] [stole⁴] (*describe article or document*).

Second, that when the defendant did so this (*describe article or document*) was in the possession⁵ of a (n) [law enforcement officer] [officer of the General Court of Justice]. (*Name person*) is a (n) [law enforcement officer] [officer of the General Court of Justice].

Third, that this (*describe article or document*) [was being retained by (*name person*) for the purpose of being introduced in evidence] [had been introduced in evidence] [was being preserved as evidence] in a criminal court proceeding.

(And) Fourth, that this (*describe article or document*) was relevant to a criminal [offense] [court proceeding]. Evidence is relevant to a criminal [offense] [court proceeding]

1. If further elaboration is needed with respect to "intent", see N.C.P.I.—Crim. 120.10.

2. The jury may be told that something is altered when it is changed in some material respect, but is not destroyed entirely.

3. To destroy means to ruin the structure, organic existence, or condition of the property.

4. The defendant steals something when the defendant takes and carries away property without the consent of the person who has possession of it, with the intent to permanently deprive that person of possession, knowing that the defendant was not entitled to take it.

5. If a definition of possession is needed, the trial judge should refer to N.C.P.I.—Crim. 104.41 for further instructions.

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when it is connected with, or pertains to, [the alleged commission of a criminal offense] [a criminal court proceeding]. [(*Describe crime*) is a criminal offense] [(*Describe proceeding*) is a criminal court proceeding.]

NOTE WELL: Use this fifth element only when there is evidence that the defendant did not know and did not have reason to know that the article or document involved was in the possession of a law enforcement officer or an officer of the General Court of Justice; or was being retained, preserved, or introduced as evidence; or was relevant to a crime.

*(And Fifth), that the defendant knew or had reason to know that (*describe article or document*)*

- a. [was in the possession of a(n) [law enforcement officer] [officer of the General Court of Justice]⁶] (and)*
- b. [[was being retained as evidence] [had been introduced in evidence] [was being preserved as evidence] in a criminal court proceeding⁷] (and)*
- c. [was relevant to a criminal [offense] [court proceeding]⁸].*

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, *the defendant* (*describe conduct*) and thereby knowingly and intentionally [altered] [destroyed] [stole] (*describe article or document*), and that this (*describe article or document*)

6. Use this parenthetical phrase only when there is evidence that the defendant did not know and did not have reason to know that the article or document was in the possession of a law enforcement officer or an officer of the General Court of Justice.

7. Use this parenthetical phrase only when there is evidence that the defendant did not know and did not have reason to know that the article or document was being retained as evidence, had been introduced in evidence, or was being preserved as evidence.

8. Use this parenthetical phrase only when there is evidence that the defendant did not know and did not have reason to know that the article or document was relevant to a criminal court proceeding.

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was in the possession of (*name person*), and that (*name person*) was a (*n*) [law enforcement officer] [officer of the General Court of Justice], and that this (*describe article or document*) [was being retained by (*name person*) for the purpose of being introduced into evidence] [had been introduced into evidence] [was being preserved as evidence] in a criminal court proceeding, and that this (*describe article or document*) was relevant to a criminal [offense] [court proceeding], (*and that the defendant knew or had reason to know that* (*describe article or document*) [*was in the possession of a(n) [law enforcement officer] [officer of the General Court of Justice]*] (*and*) [*was being retained as evidence*] [*had been introduced in evidence*] [*was being preserved as evidence*] in a criminal court proceeding] (*and*) [*was relevant to a criminal [offense] [court proceeding]*], 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.

