

N.C.P.I.—Crim 271.26
POSSESSION OF A STOLEN VEHICLE. FELONY.
REPLACEMENT JUNE 2016
N.C. Gen. Stat. § 20-106

271.26 POSSESSION OF A STOLEN VEHICLE. FELONY.

The defendant has been charged with possession of a stolen vehicle.

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

First, that the defendant possessed a vehicle.¹ The defendant possessed the vehicle if defendant was aware of its presence, and (either by him/herself or together with others) had both the power and intent to control its disposition or use.²

(And) Second, that the defendant knew or had reason to know that the vehicle had been [stolen] [unlawfully taken].

(And) Third, that at that time, the defendant was not an officer of the law engaged in the performance of his duty.)³

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant possessed a vehicle, and that the defendant knew or had reason to know that the vehicle had been [stolen] [unlawfully taken], (and at that time the defendant was not an officer of the law engaged in the performance of his duty), 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.

1 See State v. Robinson, 777 S.E.2d 755 (N.C. Ct. App. 2015) (explaining that unauthorized use of a conveyance/motor vehicle is not a lesser included offense of possession of a stolen vehicle).

2 Where constructive possession of the vehicle is an issue, or where an amplified definition of actual possession is needed, the trial judge should refer to N.C.P.I.—Crim. 104.41 for further instructions.

3 Include this element only if there is some evidence that the defendant was an officer. The state is not required to produce as part of its case in chief evidence that the defendant was not an officer. *S. v. Murchison*, 39 N.C. App. 163, 167 (1978).

