

[CLIMBING INTO] [ATTEMPTING TO OR SETTING IN MOTION] A VEHICLE WITH INTENT TO STEAL, COMMIT MALICIOUS INJURY, ETC. G.S. 20-107(b). MISDEMEANOR.

The defendant has been charged with [climbing into or upon a vehicle] [attempting to manipulate any mechanism of a vehicle which is at rest and unattended] [setting in motion a vehicle which is at rest and unattended] with the intent to [steal] [commit malicious mischief or injury] [*describe other crime*].

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

First, that the defendant intended to [steal] [commit malicious mischief or injury] [*describe similar crime and define its elements*].¹

And Second, that the defendant, with this intent, [climbed into or upon a vehicle²] [attempted³ to manipulate any mechanism of a vehicle² which was at rest and unattended] [set in motion a vehicle² which was at rest and unattended].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant with intent to

¹Intent to steal is the intent to permanently deprive the rightful possessor of the vehicle: Intent to commit malicious mischief or injury is intent to injure another's person or property when actuated by animosity, hatred, or ill will.

²G.S. 20-4.01(49) defines "vehicle" as "every device, in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon fixed rails or tracks; provided, that for the purposes of this chapter bicycles shall be deemed vehicles and every rider of a bicycle upon a highway shall be subject to the provisions of this chapter applicable to the driver of a vehicle except those which by their nature can have no application."

³For further definition of attempt see N.C.P.I.--Crim. 201.10.

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[[steal] [commit any malicious mischief or injury] [(describe other crime)]] [[climbed into or upon a vehicle] [attempted to manipulate any mechanism of a vehicle which was at rest and unattended]], 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.