

UNAUTHORIZED POSSESSION OR FABRICATION OF DANGEROUS WEAPON BY PRISONER. G.S. 14-258.2(a). FELONY.

The defendant has been charged with [possession, without permission or authorization, of] [fabricating or creating] a weapon capable of inflicting serious injuries or death, while he was in the custody of [the Division of Prisons] [a local confinement facility.]

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

First, that the defendant [had in his possession¹ without permission or authorization] [fabricated or created] a weapon capable of inflicting serious bodily injury or death. [In determining whether (*describe weapon*) is capable of inflicting bodily injury or death you should consider the nature of the weapon and the manner in which it could be used.]

And Second, at that time the defendant was:

[A. In the custody of the Division of Prisons. A person sentenced to [any unit of the State prison system] [jail to be assigned to work under the State Department of Correction] is in the custody of the Division of Prisons.]²

[B. Under the custody of a local confinement facility.³ (*Name detention facility*) is a local confinement facility.]

¹For further charge on the meaning of possession see N.C.P.I.--Crim. 104.41.

²See G.S. 148-4.

³See G.S. 153A-217(5) for a definition of "local confinement facility."

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If you find from the evidence beyond a reasonable doubt that on or about the alleged date while he was in the custody of [the Division of Prisons] [a local confinement facility] the defendant [had in his possession without permission or authorization] [fabricated or created] a weapon which was capable of inflicting serious bodily injury or death, 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.