

[BUYING] [SELLING] [POSSESSING] ITEM OF PERSONAL PROPERTY WORTH MORE THAN \$1,000 ON WHICH THE PERMANENT IDENTIFICATION MARK HAS BEEN [ALTERED] [DESTROYED] [DEFACED] [REMOVED]. FELONY.

GENERAL CRIMINAL VOLUME

JUNE 2022

N.C. Gen. Stat. § 14-160.1(b), (c)

223.21A [BUYING] [SELLING] [POSSESSING] ITEM OF PERSONAL PROPERTY WORTH MORE THAN \$1,000 ON WHICH THE PERMANENT IDENTIFICATION MARK HAS BEEN [ALTERED] [DESTROYED] [DEFACED] [REMOVED]. FELONY.

NOTE WELL: Effective December 1, 2021 applying to offenses committed on or after that date. S.L. 2021-36 amended N.C.G.S. § 14-160.1(c) to increase the punishment for buying, selling, or possessing an item of personal property on which the permanent identification mark has been altered, destroyed, or removed.

The defendant has been charged with felonious [buying] [selling] [possessing] an item of personal property worth more than \$1,000 on which the permanent identification mark has been [altered] [destroyed] [defaced] [removed].

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

First, that the defendant [bought] [sold] [possessed¹] (*describe personal property*) which was not the defendant's own.

Second, that the personal property once had a [permanent serial number] [manufacturer's identification plate] [permanent distinguishing number or identification mark] on it.

Third, that this [permanent serial number] [manufacturer's identification plate] [permanent distinguishing number or identification mark] had been [altered] [destroyed] [defaced] [removed] in order to [conceal] [misrepresent] the identity of the personal property.

Fourth, that the defendant knew or had reasonable grounds to believe that this [permanent serial number] [manufacturer's identification plate] [permanent distinguishing number or identification mark] had been so [altered] [destroyed] [defaced] [removed].

And Fifth, that the personal property was worth more than \$1,000.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [bought] [sold] [possessed] (*describe item of personal property*) which was not the defendant's own and had been marked with a [permanent serial number] [manufacturer's identification plate] [permanent distinguishing number or identification mark], which had been [altered] [destroyed] [defaced] [removed] for the purpose of [concealing] [misrepresenting] its identity, that the defendant knew or had reasonable grounds to believe that this had been done to [conceal] [misrepresent] the identity of the personal property, and that personal property was worth more than \$1,000, it would be your duty to return a verdict of guilty. However, if you do not so find or have a reasonable doubt as to one or more of these things, you will not return a verdict of guilty of felonious [buying] [selling] [possessing] an item of personal property on which the permanent identification mark has been [altered] [destroyed] [defaced] [removed], but must determine whether the defendant is guilty of non-felonious [buying] [selling] [possessing] an item of personal property on which the permanent identification mark has been [altered] [destroyed] [defaced] [removed].²

Non-felonious [buying] [selling] [possessing] an item of personal property on which the permanent identification mark has been [altered] [destroyed] [defaced] [removed] differs from felonious [buying] [selling] [possessing] an item of personal property on which the permanent identification mark has been [altered] [destroyed] [defaced] [removed] in that the property need not be worth more than \$1,000.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [bought] [sold] [possessed] (*describe*

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item of personal property) which was not the defendant's own and had been marked with a [permanent serial number] [manufacturer's identification plate] [permanent distinguishing number or identification mark], which had been [altered] [destroyed] [defaced] [removed] for the purpose of [concealing] [misrepresenting] its identity, and that the defendant knew or had reasonable grounds to believe that this had been done to [conceal] [misrepresent] the identity of the personal property, it would be your duty to return a verdict of non-felonious [buying] [selling] [possessing] an item of personal property on which the permanent identification mark has been [altered] [destroyed] [defaced] [removed]. However, 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. If a definition of constructive possession is required, see N.C.P.I.—Crim. 104.41.

2. Misdemeanor buying, selling, or possessing an item of personal property on which the permanent identification mark has been altered, destroyed, defaced, or removed is a lesser-included offense. N.C.G.S. § 14-160.1(c); see also N.C.P.I.—Crim. 223.21.

