

214.34 MISDEMEANOR BREAKING OR ENTERING.

The defendant has been charged with breaking or entering into another's building without his consent and wrongfully; that is, without any claim of right.

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

First, that there was

[a breaking¹ by the defendant. (*State how breaking allegedly occurred*) would be a breaking.]

[an entry by the defendant. (*State how entry allegedly occurred*) would be an entry.]

[either a breaking¹ or an entry by the defendant. (*State how breaking allegedly occurred*) would be a breaking. (*State how entry allegedly occurred*) would be an entry.]

Second, the State must prove that it was a building that was [broken into] [entered] [broken into or entered].

Third, that the [owner] [tenant] did not consent to the [breaking] [entering] [breaking or entering].

And Fourth, that at that time, the defendant acted wrongfully, that is, without any claim of right.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant wrongfully [broke into] [entered] [broke into or entered] another person's building without his consent, it

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would be your duty to return a verdict of guilty of breaking or entering. 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.

1. A breaking need not be actual but may be by threat of force, by some trick or fraudulent representation, inducing someone to open an entry to him.