

N.C.P.I.—Crim. 214.40A  
BREAKING OR ENTERING INTO MOTOR VEHICLE WITH THE INTENT TO  
COMMIT A FELONY THEREIN. FELONY.  
GENERAL CRIMINAL VOLUME  
MAY 2024  
N.C. Gen. Stat. § 14-56  
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214.40A BREAKING OR ENTERING INTO MOTOR VEHICLE WITH THE INTENT  
TO COMMIT A FELONY THEREIN. FELONY.<sup>1</sup>

*NOTE WELL: G.S. 14-56 was amended, effective December 1, 2015. For offenses committed after December 1, 2015, it is not a violation of this statute when a person breaks or enters a motor vehicle, boat, etc., to provide assistance to a person inside needing first aid or emergency health care treatment.*

*NOTE WELL: For breaking or entering into a motor vehicle and larceny of goods, see N.C.P.I.—Crim 214.40. For breaking or entering into a motor vehicle and larceny of goods with a value exceeding [\$1,500 but no more than \$20,000] [\$20,000 but no more than \$50,000] [\$50,000 but no more than \$100,000] [\$100,000], see N.C.P.I.—Crim. 214.40B.*

*NOTE WELL: For offenses involving motor vehicles owned or operated by any law enforcement agency, the North Carolina National Guard, or any branch of the Armed Forces of the United States, use N.C.P.I.—Crim 214.46.*

The defendant has been charged with breaking or entering into a motor vehicle with the intent to commit a felony therein.<sup>2</sup>

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

First, that there was

[a breaking<sup>3</sup> 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 breaking or an entry by the defendant. (*State how breaking allegedly occurred*) would be a breaking. (*State how entry allegedly occurred*) would be an entry.]

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Second, that it was a motor vehicle which was [broken into] [entered] [broken into or entered].

Third, that there [[was] [were]] [goods] [wares] [freight] [other thing of value (describe other thing of value)] in the motor vehicle.

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

And Fifth, that at the time of the [breaking] [entering] [breaking or entering], the defendant intended<sup>4</sup> to commit the felony of (name felony). (Define the felony and enumerate its elements using the Pattern Jury Instruction for that felony).<sup>5</sup> (If you find that the defendant was found in the motor vehicle and that the defendant had no lawful purpose for being there, you are permitted but not required to infer from this that the defendant entered with the intent to commit a felony therein.)

If you find from the evidence beyond a reasonable doubt, that on or about the alleged date, the defendant without the consent of the owner [broke into] [entered] [broke into or entered] another's motor vehicle which contained [goods] [wares] [freight] [other thing of value (describe other thing of value)], intending at that time to commit the felony of (name felony) therein, 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.

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1. Railroad cars, aircraft, boats or other watercraft, and trailers as well as motor vehicles are included under this statute.

2. This offense also includes breaking out of any railroad car, motor vehicle, trailer, aircraft, boat, or other watercraft of any kind containing goods, wares, freight, or other thing of value after having committed any felony or larceny therein.

3. A breaking need not be actual but may be by threat of force, by some trick or fraudulent representation. *State v. Jolly*, 297 N.C. 121, 254 S.E.2d 1 (1979).

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4. If a definition of intent is required, see N.C.P.I.—Crim. 120.10.

5. The crime that he allegedly intended to commit should be briefly defined. Failure to define the crime may constitute reversible error. *S. v. Elliot*, 21 N.C. App. 555 (1974).