

N.C.P.I.—Crim. 214.42

PREPARATION TO COMMIT BREAKING OR ENTERING INTO MOTOR VEHICLES—POSSESSION OF A MOTOR VEHICLE [MASTER KEY] [MANIPULATIVE KEY] [LOCK-PICKING DEVICE] [HOT WIRING DEVICE]. FELONY; MISDEMEANOR.

GENERAL CRIMINAL VOLUME

REPLACEMENT JUNE 2006

N.C. Gen. Stat. § 14-56.4(b)

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The defendant has been charged with preparation to commit breaking or entering into a motor vehicle by possessing a motor vehicle [master key]¹ [manipulative key]² [lock-picking device] [hot wiring device].

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

First, that the defendant possessed a motor vehicle [master key]¹ [manipulative key]² [lock-picking device] [hot wiring device].

Second, that the defendant possessed this device with the intent to commit a(n) [felony] [larceny] [unauthorized use] of a motor propelled conveyance. (*Description of the crime*) is a [felony] [larceny] [unauthorized use of a motor propelled conveyance]. A (*description of the vehicle*) is a motor propelled conveyance.

And Third, that on (name date) the defendant, in (*name court*) [was convicted of] [pled guilty to] the [misdemeanor] [felony] of preparation to commit breaking or entering into a motor vehicle, that was committed on (*name date*) in violation of the laws of the State of North Carolina.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant possessed a motor vehicle [master key][manipulative key] [lock-picking device] [hot wiring device] with the intent to commit a [felony] [larceny] [unauthorized use of a motor propelled conveyance], and that on (*name date*) the defendant, in (*name court*) [was convicted of] [pled guilty to] the [misdemeanor] [felony] of preparation to commit breaking or entering into a motor vehicle, that was committed on

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(*name date*) in violation of the laws of the State of North Carolina, 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, then you would not return a verdict of guilty of felonious preparation to commit breaking or entering into a motor vehicle, but would consider whether the defendant is guilty of non-felonious preparation to commit breaking or entering into a motor vehicle, which differs from the felony in that the State need not prove that the defendant has previously been convicted of this offense. If you find from the evidence beyond a reasonable doubt that on or about (*named date*) the defendant possessed a motor vehicle [master key] [manipulative key] [lock-picking device] [hot wiring device] with the intent to commit a [felony] [larceny] [unauthorized use of a motor propelled conveyance], 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.

1. A "master key" means a key that operates all the keyed locks or cylinders in a similar type or group of locks.

2. A "manipulative key" means a key, device or instrument, other than a key that is designed to operate a specific lock, that can be variably positioned and manipulated in a vehicle keyway to operate a lock or cylinder or multiple locks or cylinders, including a wiggle key, jiggle key, or rocket key.