

N.C.P.I.—Crim. 214.44

PREPARATION TO COMMIT BREAKING OR ENTERING INTO MOTOR VEHICLES—[BUYING] [SELLING] [TRANSFERRING] A MOTOR VEHICLE [MASTER KEY] [MANIPULATIVE KEY] [KEY CUTTING DEVICE] [LOCK-PICKING DEVICE] [HOT WIRING DEVICE]. FELONY.

MISDEMEANOR.

GENERAL CRIMINAL VOLUME

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214.44 PREPARATION TO COMMIT BREAKING OR ENTERING INTO MOTOR VEHICLES—[BUYING] [SELLING] [TRANSFERRING] A MOTOR VEHICLE [MASTER KEY] [MANIPULATIVE KEY] [KEY CUTTING DEVICE] [LOCK-PICKING DEVICE] [HOT WIRING DEVICE]. FELONY. MISDEMEANOR.

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

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

First, that the defendant willfully [bought] [sold] [transferred] a motor vehicle [master key]¹ [manipulative key]² [key cutting device] [lock-picking device] [hot wiring device].

Second, that the defendant [bought] [sold] [transferred] 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.

Third, that the motor vehicle [master key] [manipulative key] [key cutting device] [lock-picking device] [hot wiring device] was [[designed to] [capable of]] [open(ing) the [door] [trunk] of any motor vehicle] [start(ing) the engine of a motor vehicle].

And Fourth, 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 willfully [bought] [sold] [transferred] a

motor vehicle [master key] [manipulative key] [key cutting device] [lock-picking device] [hot wiring device] with the intent to commit a [felony] [larceny] [unauthorized use of a motor propelled conveyance], that the motor vehicle [master key] [manipulative key] [key cutting device] [lock-picking device] [hot wiring device] was [[designed to] [capable of]] open(ing) the [door] [trunk] of any motor vehicle] [start(ing) the engine of a motor vehicle], 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 (*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 had previously been convicted of preparation to commit breaking into a motor vehicle.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant willfully [bought] [sold] [transferred] a motor vehicle [master key] [manipulative key] [key cutting device] [lock-picking device] [hot wiring device] with the intent to commit a [felony] [larceny] [unauthorized use of a motor propelled conveyance], that the motor vehicle [master key] [manipulative key] [key cutting device] [lock-picking device] [hot wiring device] was [[designed to] [capable of]] [[open(ing) the [door] [trunk] of any motor vehicle] [start(ing) the engine of a motor vehicle], 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.