

N.C.P.I.-Crim. 214.56  
BREAKING INTO COIN- OR CURRENCY-OPERATED MACHINES. FELONY.  
GENERAL CRIMINAL VOLUME  
MAY 2002  
N.C. Gen. Stat. §§ 14-56.1, 14-56.3  
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214.56 BREAKING INTO COIN- OR CURRENCY-OPERATED MACHINES.  
FELONY. N.C. Gen. Stat. § 14-56.1, N.C. Gen. Stat. § 14-56.3.<sup>1</sup>

*NOTE WELL: Use this instruction only if the defendant denies a previous conviction under N.C. Gen. Stat. §§ 14-56.1 or 14-56.3 or remains silent. If he admits the previous conviction, use N.C.P.I.-Crim. 214.55. (And see N.C. Gen. Stat. § 15A-928.)*

The defendant has been charged with felonious forcible breaking into a [coin] [currency] -operated machine.

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

First, that the defendant broke into a [coin] [currency]-operated machine. (*Describe machine*) is a [coin] [currency]-operated machine.

Second, that the defendant did so forcibly. (*Describe how breaking occurred*) would be a forcible breaking.<sup>2</sup>

Third, that no authorized person consented to this forcible breaking.

Fourth, that at the time the defendant broke into the machine, *he* intended to steal money or property from it; that is, *he* intended to deprive the rightful owner permanently of possession of the money or property.

And Fifth, that the defendant has previously been convicted of [breaking into] [forcibly opening] [opening by unauthorized use of a key or other instrument] a [coin] [currency] -operated machine.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant forcibly broke into a [coin]

[currency] -operated machine without authority, intending at that time to steal money or property contained therein, and that the defendant has previously been convicted of [breaking into] [forcibly opening] [opening by unauthorized use of a key or other instrument], it would be your duty to return a verdict of guilty of felonious breaking into a [coin] [currency] -operated machine. If you do not so find or have a reasonable doubt as to one or more of these things, you would not return a verdict of guilty of felonious forcible breaking into a [coin] [currency] -operated machine but you must determine whether the defendant is guilty of misdemeanor forcible breaking into a [coin] [currency] -operated machine. The misdemeanor differs from the felony only in that the State need not prove that the defendant had been previously convicted of [breaking into] [forcibly entering] [opening by unauthorized use of a key or other instrument] a [coin] [currency] -operated machine.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant forcibly broke into a [coin] [currency] -operated machine, without authority, intending at that time to steal money or property contained therein, it would be your duty to return a verdict of guilty of misdemeanor breaking into a [coin] [currency] -operated machine. 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. Except for minor differences in language, N.C. Gen. Stat. § 14-56.1 and N.C. Gen. Stat. § 14-56.3 appear to define the same offense in reference to forcibly opening coin- or currency-operated machines. If an indictment charges an offense under N.C. Gen. Stat. § 14-56.3, modify this instruction accordingly.

2. If the breaking is disputed, state what would and what would not be a forcible breaking.