

N.C.P.I.-Crim. 216.40
FELONIOUSLY RECEIVING STOLEN GOODS-GOODS WORTH MORE THAN
\$1,000. FELONY.
GENERAL CRIMINAL VOLUME
MAY 2002
N.C. Gen. Stat. §§ 14-71, 14-72

216.40 FELONIOUSLY RECEIVING STOLEN GOODS - GOODS WORTH
MORE THAN \$1,000. FELONY.

The defendant has been charged with feloniously receiving stolen goods.

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

First, that the property was stolen by someone other than the defendant.

Second, that the defendant [received] [concealed] that property.¹

Third, that the defendant, at the time *he* [received] [concealed] that property, knew² or had reasonable grounds to believe it was stolen.

Fourth, that the defendant [received] [concealed] that property with a dishonest purpose. (*State what purpose was, e.g., permanently depriving owner of his property*) is a dishonest purpose.

And Fifth, that the property was worth more than \$1000.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant, with a dishonest purpose, [received] (or) [concealed] property worth more than \$1000, which *he* knew or had reasonable grounds to believe someone else had stolen, it would be your duty to return a verdict of guilty of feloniously receiving stolen goods. If you do not so find or have a reasonable doubt as to one or more of these things, you will not return a verdict of guilty of feloniously receiving stolen goods but must determine whether the defendant is guilty of non-feloniously

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receiving stolen goods. Non-feloniously receiving stolen goods differs from feloniously receiving stolen goods in that the property need not be worth more than \$1000.

If you find from the evidence beyond a reasonable doubt that one or about the alleged date, the defendant with a dishonest purpose, [received] (or) [concealed] property which *he* knew or had reasonable grounds to believe someone else had stolen, it would be your duty to return a verdict of guilty of non-feloniously receiving stolen goods. 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. In the event there is some dispute as to "receiving," the jury should be told what will constitute receiving or concealing goods.

2. This knowledge may be actual, or it may be implied when the circumstances are sufficient to lead the party charged to believe the property was stolen. *S. v. Parker*, 316 N.C. 295, 303 (1986).