

216.52 LARCENY BY PRICE TAG CHANGE. MISDEMEANOR.

The defendant has been charged with larceny by price tag change.

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

First, that the defendant

- a. [transferred a price tag from [goods] [merchandise] in a store to other [goods] [merchandise] having a higher selling price.]
- b. [marked [goods] [merchandise] in a store at a lower price than shown on the price tag.]
- c. [[substituted] [superimposed] a false price tag on [goods] [merchandise] in a store.]

Second, that the defendant acted willfully and without authority, that is, *he* acted intentionally and without justification or excuse.

And Third, that the defendant presented the [goods] [merchandise] for purchase at the changed lower price.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant willfully and without authority

- a. [transferred a price tag from [goods] [merchandise] in a store to other [goods] [merchandise] having a higher selling price.]
- b. [marked [goods] [merchandise] in a store at a lower price than shown on the price tag.]

N.C.P.I.-Crim. 216.52  
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GENERAL CRIMINAL VOLUME  
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N.C. Gen. Stat. § 14-72.1(d)  
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c. [[substituted] [superimposed] a false price tag on [goods] [merchandise] in a store], and then presented the [goods] [merchandise] for purchase at the changed lower price, 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.

*NOTE WELL: N.C. Gen. Stat. § 14-72.1(e) changes the misdemeanor offense classification for subsequent convictions determined at the sentencing hearing.*