

N.C.P.I.—Crim. 216.55

WILLFULLY CONCEALING THE MERCHANDISE OF A STORE—USING LEAD- OR ALUMINUM-LINED BAG OR ARTICLE OF CLOTHING TO PREVENT ACTIVATION OF ANTI-SHOPLIFTING DEVICE OR INVENTORY CONTROL DEVICE. FELONY, MISDEMEANOR.

GENERAL CRIMINAL VOLUME

MAY 2004

N.C. Gen. Stat. §§ 14-72.1(d1), 14-72.1(a)

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NOTE WELL: See G.S. 15A-928 for provisions regarding indictment, bifurcated trial, verdict and judgment.

The defendant has been charged with the felony of willfully concealing the goods or merchandise of a store by using a lead- or aluminum-lined bag, a lead- or aluminum-lined article of clothing, or similar device to prevent the activation of an anti-shoplifting device or inventory control device.

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

First, that the defendant concealed goods or merchandise of a store.

Second, that the defendant used a lead- or aluminum-lined [bag] [article of clothing] [(describe other similar device)] to prevent the activation of an anti-shoplifting device or inventory control device.

Third, that the defendant acted without authority.

Fourth, that at that time, the defendant had not purchased the goods or merchandise.

Fifth, that at that time, the defendant was still upon the premises of the store.

And Sixth, that the defendant acted willfully, that is intentionally and without justification or excuse. (If you find from the evidence beyond a reasonable doubt that the goods and merchandise were found concealed upon or about the defendant's person and that the goods and merchandise had not been purchased by the defendant, you may infer that the concealment was willful. However, you are not compelled to do so. You will

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consider this evidence together with all of the other evidence in the case in determining whether the concealment was willful.)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant, without authority, willfully concealed goods and merchandise of a store which at that time the defendant had not purchased, by using a lead- or aluminum-lined [bag] [article of clothing] [(*describe other similar device*)] to prevent the activation of an anti-shoplifting device or inventory control device, and that at that time he was still upon the premises of the store, it would be your duty to return a verdict of guilty of the felony of willfully concealing the merchandise of a store.

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 the felony, but will consider whether the defendant is guilty of the misdemeanor of willfully concealing the goods or merchandise of a store. The misdemeanor differs from the felony in that the State need not prove that the defendant used a lead- or aluminum-lined [bag] [article of clothing] [(*describe other similar device*)] to prevent the activation of an anti-shoplifting or inventory control device.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant, without authority, willfully concealed goods or merchandise of a store which at that time the defendant had not purchased, and that at that time he was still upon the premises of the store, it would be your duty to return a verdict of guilty of the misdemeanor of willfully concealing the goods or merchandise of a store. 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.