

N.C.P.I.-Crim. 216.58
[RECEIVING] [POSSESSING] RETAIL PROPERTY OBTAINED BY ORGANIZED
RETAIL THEFT. FELONY.
GENERAL CRIMINAL VOLUME
JUNE 2009
N.C. Gen. Stat. § 14-86.6(a)(2)

216.58 [RECEIVING] [POSSESSING] RETAIL PROPERTY OBTAINED BY
ORGANIZED RETAIL THEFT. FELONY.

The defendant has been charged with [receiving] [possessing] retail property¹ obtained by organized retail theft².

In order for you to find the defendant guilty of this offense, the State must prove two things beyond a reasonable doubt:

First, that the defendant [received] [possessed] any retail property [taken] [stolen] by organized retail theft. Organized retail theft occurs when a person conspires with another person to commit theft of retail property from a retail establishment, with a value³ exceeding \$1,500 aggregated over a 90-day period, with the intent to sell that retail property and who takes or causes that retail property to be placed in the control of a retail property fence⁴ or other person in exchange for consideration.

And Second, that the defendant [knew] [had reasonable grounds to believe] this property was stolen.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant [received] [possessed] any retail property [taken] [stolen] by organized retail theft, and that the defendant [knew] [had reasonable grounds to believe] the property was stolen, 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 both of these things, it would be your duty to return a verdict of not guilty.

1. According to N.C. Gen. Stat. § 14-86.5(1) "retail property" is any new article, product, commodity, item or component intended to be sold in retail commerce.

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2. According to N.C. Gen. Stat. § 14-86.5(3) "theft" is "to take possession of, carry away, transfer, or cause to be carried away the retail property of another with the intent to steal the retail property.

3. According to N.C. Gen. Stat. § 14-86.5(4) "value" is the retail value of an item as advertised by the affected retail establishment, to include all applicable taxes.

4. According to N.C. Gen. Stat. § 14-86.5(2) a "retail property fence" is a person or business that buys retail property knowing or believing that the retail property is stolen.