

217.53 SAFECRACKING — ALL OTHER MEANS. FELONY.

The defendant has been charged with safecracking, which is the unlawful [opening] [entering] [attempting to open] [attempting to enter] a [safe] [vault] by the use of a safecracking [implement] [means].<sup>1</sup>

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

First, that the defendant [opened] [entered] [attempted to open] [attempted to enter] a [safe] [vault] of another.

Second, that the defendant did so unlawfully; that is, knowingly and without the consent of any person authorized to give consent.

And Third, that he did so by the use of a safecracking [implement] [means] (*describe implement or means*).

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [opened] [entered] [attempted to open] [attempted to enter] a [safe] [vault] of another person, that the defendant did so knowingly and without the consent of any person authorized to give consent, and that the defendant did so by the use of a safecracking [implement] [means], 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.

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<sup>1</sup> N.C. Gen. Stat. § 14-89.1(a)(1)-(3) address safecracking using specific implements, such as explosives, drills, tools, combinations, keys, etc. These offenses are addressed in N.C.P.I.—Crim. [217.50](#), [217.51](#), and [217.52](#). N.C. Gen. Stat. § 14-89.1(a)(4) and this instruction cover instances where other safecracking implements or means not covered in the other sections of the statute are utilized.