

221.80 FORGERY OF WRITINGS. COMMON LAW MISDEMEANOR;<sup>1</sup>  
FELONY.

The defendant has been charged with common law forgery.

For you to find the defendant guilty of common law forgery, the State must prove four things beyond a reasonable doubt:

First, that the defendant falsely [made] [altered] a(n) (*name writing*) by (*describe conduct*).

(When one is found in the possession of a forged instrument and is endeavoring to obtain money or advances upon it, you may infer that *he* either forged or consented to the forging of such instrument but you are not compelled to do so. You may consider this with all the other evidence.<sup>2</sup>)

Second, that at the time the defendant falsely [made] [altered] the (*name writing*), *he* intended to defraud.<sup>1</sup>

Third, that the (*name writing*) appeared to be genuine.

And Fourth, that the (*name writing*), if genuine, would apparently [have legal effect] [be evidence of another's legal rights]. (*Name writing*) would [have legal effect] [be evidence of another's legal rights], if (*describe appropriate circumstances*).

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant falsely [made] [altered] the (*name writing*) by (*describe conduct*) intending to defraud, and the (*name writing*) appeared to be genuine and apparently would [have legal effect] [be evidence of another's legal rights], it would be your duty to return a verdict of guilty. If you do not so find or if you have a reasonable doubt

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as to one or more of these things, it would be your duty to return a verdict of not guilty.

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1. *S. v. Covington*, 94 N.C. 913 (1886) and *S. v. Brown*, 9 N.C. App. 498 (1970). Common law forgery may be a felony if additional elements are met. See N.C. Gen. Stat. § 14-3(b).

2. The portion in parentheses may be appropriate where defendant had possession of the forged instrument and there is not direct evidence that he forged it. See *S. v. Welch*, 266 N.C. 291, 295 (1966).