

271.28 FORGING AN INSPECTION [STICKER] [RECEIPT]. FELONY.

The defendant has been charged with forging an inspection [sticker] [receipt].

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

First, that on or about the alleged date, the defendant forged an inspection [sticker] [receipt] by (*describe conduct*).

A forged [inspection sticker] [electronic inspection authorization] is a falsely [made] [altered] [inspection sticker] [electronic inspection authorization] that was made by the defendant with the intent to defraud, and is capable of appearing genuine.¹

And Second, that the defendant did so knowingly.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant falsely [created] [altered] an inspection [sticker] [receipt] by (*describe conduct*), with the intention to defraud, and the inspection [sticker] [receipt] appeared to be genuine, and that the defendant did so knowingly, it would be your duty to return a verdict of guilty. If you do not so find or if you have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

¹ See N.C. Gen Stat. §§14-119,14-120.

The North Carolina statute does not define forgery, but merely includes the acts described as within that category. *Peoples Bank & Tr. Co. v. Fid. & Cas. Co.*, 231 N.C. 510, 517, 57 S.E.2d 809, 813 (1949). The common law definition of forgery applies, since the statutes relating to forgery do not define it. Three elements are necessary to constitute the offense: (1) There must be a false making or other alteration of some instrument in writing; (2) there must be a fraudulent intent; and (3) the instrument must be apparently capable of affecting a fraud. *State v. Brown*, 9 N.C. App. 498, 500, 176 S.E.2d 881, 882 (1970).