N.C.P.I.—Crim 216.13
LARCENY OF CHOSE IN ACTION. FELONY.
JUNE 2017
N.C. Gen. Stat. §§ 14-75

216.13 LARCENY OF CHOSE IN ACTION. FELONY.

The defendant has been charged with larceny of chose in action.

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

First, that the defendant took property belonging to another person.[1]

Second, that the defendant carried away[2] the property.

Third, that the alleged victim did not consent to the taking and carrying away of the property.[3]

Fourth, that at the time of the taking, the defendant intended to deprive the alleged victim of its use permanently.

Fifth, that the defendant knew the defendant was not entitled to take the property.

And Sixth, that the property was a(n)

a. [[bank note] [check] [order for the payment of money] [issued by] [drawn on] a [bank] [society] [corporation]] *(e.g., a lottery ticket)*

b. [[treasury warrant] [debenture] [certificate of stock] [public security] [certificate of stock in any corporation]]

c. [[order] [bill of exchange] [bond] [promissory note]]

for the [payment of money] [delivery of specific articles].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant took and carried away another person's property without the other person’s consent, knowing that the

N.C.P.I.—Crim 216.13
LARCENY OF CHOSE IN ACTION. FELONY.
JUNE 2017
N.C. Gen. Stat. §§ 14-75
---

defendant was not entitled to take it, intending at that time to deprive the alleged victim of its use permanently, and that the property was a(n)

a. [[bank note] [check] [order for the payment of money] [issued by] [drawn on] a [bank] [society] [corporation]]

b. [[treasury warrant] [debenture] [certificate of stock] [public security] [certificate of stock in any corporation]]

c. [[order] [bill of exchange] [bond] [promissory note]]

for the [payment of money] [delivery of specific articles], it would be your duty to return a verdict of guilty. If you do not so find, or if you have reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

---

1 If there is evidence of conduct which would constitute "taking" but there is also evidence that the defendant's conduct fell short of what would constitute "taking," add the following to this element:

"(Describe conduct which would constitute a taking) would be a taking." *See* S. v. Carswell, 296 N.C. 101 (1978).

2 In the event that there is some dispute as to asportation the jury should be told that the slightest movement is sufficient.

3 In the event that there is some dispute as to permanent deprivation, the jury should be told that a temporary deprivation will not suffice. *But cf. S. v. Smith,* 268 N.C. 167 (1966).