
 ELON LAW

## Pattern Jury Instruction Committee Report

N.C. Superior Court  
Judges' Conference


*Alan D. Woodlief, Jr.  
Criminal Subcommittee Reporter*

*October 17, 2018*

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## Committee Structure

- Two Subcommittees: Civil and Criminal
- Two Reporters
- Two Student Clerks
- Supported by UNC School of Government

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## Civil Subcommittee


- The Honorable Don Bridges (Overall Chair)
- The Honorable Charles Henry (Civil Subcomm.)
- The Honorable R. Allen Baddour, Jr.
- The Honorable Alma Hinton
- The Honorable Richard Gottlieb
- Reporter: Robert Desmond
- Law Clerk: Erin Wilson (UNC-CH Law)

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## Civil Subcommittee

### Contacts

- Judge Don Bridges  
[Forrest.D.Bridges@nccourts.org](mailto:Forrest.D.Bridges@nccourts.org)
- Judge Chuck Henry  
[Charles.H.Henry@nccourts.org](mailto:Charles.H.Henry@nccourts.org)
- Robby Desmond  
[rdesmond@smithlaw.com](mailto:rdesmond@smithlaw.com)

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Criminal Subcommittee

- The Honorable Quentin T. Sumner (Chair)
- The Honorable Jesse B. Caldwell, III
- The Honorable Thomas H. Lock
- The Honorable Anna Mills Wagoner
- The Honorable Ed Wilson

• Reporter: Alan Woodlief


• Student Law Clerk: Haley Lohr (Elon Law)

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Criminal Subcommittee


Contacts

- Judge Quentin Sumner
  - [Quentin.Sumner@nccourts.org](mailto:Quentin.Sumner@nccourts.org)
- Alan Woodlief
  - [awoodlief@elon.edu](mailto:awoodlief@elon.edu)

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Process

- Monthly meetings (August through May)
- Case Law
- New legislation
- Input/suggestions from judges
- Product: Supplement (Paper; Electronic)

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Process

- Interim Instructions that are too important to wait until the annual supplement
  - Posted to School of Government web site
  - <http://www.sog.unc.edu/programs/ncpij>
  - Pattern Jury Interim Instructions Listserv

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Summer 2018  
Criminal Supplement

- 316 pages
- 60 instructions
- 28 new instructions
- 32 revised instructions

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Use of Instructions

- Note Wells
- Footnotes
- Follow Pattern Jury Instructions.
- But, edit as needed.

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Notable Instructions

- Domestic Violence Homicide. N.C.P.I. – Crim. 206.22
  - (G.S. 14-17(a1))
- Second Degree Murder by Unlawful Distribution of Certain Substances. N.C.P.I. - Crim. 206.31B
  - G.S. 14-17(b)(2)
- Attempted Armed Robbery is Lesser-Included Offense of Armed Robbery. N.C.P.I. - Crim. 217.20
  - (G.S. 14-87)
- Disclosure of Private Images without Consent. N.C.P.I. - Crim. 235.65 et seq.
  - G.S. 14-190.5A

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Notable Instructions

- First Degree Forcible Rape and Sexual Offense – threatened use of a weapon. N.C.P.I. - Crim. 207.10B
  - G.S. 14-27.21(a)(1)
- Organized Retail Theft. N.C.P.I. - Crim. 216.57 et seq.
  - G.S. 14-86.6
- Massage and Bodywork Therapy – Sexual Activity. N.C.P.I. - Crim. 227.10 et seq.
  - G.S. 90-632.17
- DELETE SHEET – Unlawfully Accessing a Commercial Social Networking Website by a Sex Offender. N.C.P.I. - Crim. 207.71

## Notable Instructions

- General Revisions
  - Victim – alleged victim, or name person
  - Gender pronouns
  - More understandable language

## 2018-19 Agenda


- Felony Arson (G.S. 14-67.2)
- Numerous controlled substance offenses (Chapter 90)
  - Diverting controlled substances
  - Misusing controlled substance reporting system
- “People first” language – eliminating outdated terminology describing people with a disability
- Amendment to definition of “mentally incapacitated” to specify that a poisonous or controlled substance provided to a victim without his or her knowledge or consent may render the person mentally incapacitated (G.S. 14-27.20)

## 2018-19 Agenda

- Adding several prisoner offenses (G.S. 14-258.4 et seq.), including:
  - Throwing unknown substance
  - Conveying messages
  - Selling, trading or conveying articles forbidden by prison rules
- Threat of mass violence at school and religious place of worship (G.S. 14-277.6)
- Case Law
- Suggestions from Judges and Practitioners

## 2018-19 Agenda

- Case Law
- Suggestions from Judges and Practitioners

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Questions

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