

N.C.P.I.—Crim. 227.34  
SEXUAL EXTORTION COMMITTED BY A MINOR (PREVIOUS CONVICTION).  
FELONY.  
GENERAL CRIMINAL VOLUME  
JANUARY 2025  
N.C. Gen. Stat. § 14-202.7(b)(3)  
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227.34. SEXUAL EXTORTION COMMITTED BY A MINOR (PREVIOUS  
CONVICTION). FELONY.

*NOTE WELL: For the first violation of this section see N.C.P.I.—  
CRIM 227.32.*

*NOTE WELL: The Pattern Jury Instruction Committee advises  
using a transcript of plea if defendant pleads guilty or otherwise  
admits a previous conviction. See N.C. Gen. Stat. § 15A-928 for  
provisions regarding allegations and proof of previous convictions.*

*NOTE WELL: If the defendant admits the previous conviction, the  
fifth element would be deleted.*

The defendant has been charged with committing sexual extortion after  
having been previously convicted for sexual extortion.

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

First, that the defendant intentionally [threatened to disclose a private  
image] [declined to [delete] [remove] [retract] a previously disclosed private  
image] of [the victim] [an immediate family member of the victim].

Second, that the defendant did so in order to [compel] [attempt to  
compel] the [victim] [immediate family member of the victim] to [do] [refrain  
from doing] any act against the victim's will.

Third, that the defendant did so with the intent<sup>1</sup> to obtain [additional  
private images] [anything (else) of value] [any [acquittance] [advantage]  
[immunity]].

[(And) Fourth], that the defendant was a minor<sup>2</sup> at the time of the  
offense.

*NOTE WELL: The fifth element below should be given where there  
is evidence to support a charge based on a previous conviction*

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*and the defendant denies a previous conviction or remains silent.  
If the defendant admits the previous conviction, the fifth element  
would be deleted.*

(And Fifth, that on (*name date*), the defendant in (*name court*) [was convicted of] [pled guilty to] the offense of sexual extortion that was committed on (*name date*).)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intentionally [threatened to disclose a private image] [declined to [delete] [remove] [retract] a previously disclosed private image] of [the victim] [an immediate family member of the victim], that the defendant did so in order to [compel] [attempt to compel] the [victim] [immediate family member of the victim] to [do] [refrain from doing] any act against the victim's will, that the defendant did so with the intent to obtain [additional private images] [anything (else) of value] [any [acquittance] [advantage] [immunity]], and that the defendant was a minor at the time of the offense (and that on (*name date*), the defendant in (*name court*) [was convicted of] [pled guilty to] the offense of sexual extortion that was committed on (*name date*))<sup>3</sup>, 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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1. "Intent" is a mental attitude seldom provable by direct evidence. It must ordinarily be proved by circumstances from which it may be inferred. You arrive at the intent of a person by such just and reasonable deductions from the circumstances proven as a reasonably prudent person would ordinarily draw therefrom. See N.C.P.I.—Crim 120.10.

2. N.C. Gen. Stat. § 14-202.7(a)(6) provides that a "minor" is a person who has not reached the age of 18 years.

3. If the fifth element was deleted above, this parenthetical phrase would not be given.