

N.C.P.I.—Crim. 236A.29A

[STANDING] [SITTING] [LYING] UPON [HIGHWAYS] [STREETS] WHILE PARTICIPATING IN A DEMONSTRATION (PREVIOUSLY CONVICTED). FELONY.
GENERAL CRIMINAL VOLUME

DECEMBER 2024

N.C. Gen. Stat. 20-174.1(c)

236A.29A. [STANDING] [SITTING] [LYING] UPON [HIGHWAYS] [STREETS] WHILE PARTICIPATING IN A DEMONSTRATION (PREVIOUSLY CONVICTED). FELONY.

NOTE WELL: The first violation of this section is a misdemeanor. See N.C.P.I.—Crim 236A.29. A person who commits this offense after having been previously convicted of this offense is guilty of a felony.

The defendant has been charged with [standing] [sitting] [lying] upon a [highway] [street] as to impede¹ the regular flow of traffic while participating in a demonstration intended to [prohibit] [impede] use of the [highway] [street] after having been previously convicted of this offense.

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 acted willfully.

Second, that the defendant [stood] [sat] [lay] upon a [highway] [street].

Third, that the defendant did that act in such a manner so as to impede the regular flow of traffic.

(And) Fourth, that the defendant did that act while participating in a demonstration intended to [prohibit] [impede] use of the [highway] [street].

NOTE WELL: The fifth element below should be given where there is evidence to support a charge based on a previous conviction and the defendant denies a previous conviction or remains silent. If the defendant admits the previous conviction, the fifth element would be deleted. The mandate should be amended consistent with this change.

(And Fifth, that on (*name date*), the defendant in (*name court*) [was convicted of] [pled guilty to] the offense of [standing] [sitting] [lying] upon a

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[highway] [street] so as to impede the regular flow of traffic while
participating in a demonstration intended to [prohibit] [impede] use of the
[highway] [street], 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 willfully [stood] [sat] [lay] upon a
[highway] [street] so as to impede the regular flow of traffic while
participating in a demonstration intended to [prohibit] [impede] use of the
[highway] [street] (and that on (*name date*) the defendant, in (*name court*)
[[was convicted of] [pled guilty to]] [standing] [sitting] [lying] upon a
[highway] [street] so as to impede the regular flow of traffic while
participating in a demonstration intended to [prohibit] [impede] use of the
[highway] [street], that was committed on (*name date*))², 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.

1. “Impede” means to interfere with the movement or progress of. *See Impede*, Merriam-Webster’s Collegiate Dictionary (11th ed. 2020).

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