

MEMORANDUM ON THE USE OF "VICTIM" LANGUAGE
JUNE 2015

MEMO

TO: Users of the North Carolina Pattern Jury Instructions

From: Pattern Jury Instruction Criminal Subcommittee

Date: June 1, 2015

Re: Use of "victim" language in Criminal Pattern Jury Instructions

Pursuant to the North Carolina Supreme Court's decision in *State v. Walston*, No. 392PA13 (19 December 2014), it is not an error to use the word "victim" in the pattern jury instructions to describe the complaining parties or witnesses.

However, the Court did indicate that in a case when the State offers no physical evidence of injury to the complaining witnesses and no corroborating eyewitness testimony, the best practice would be for the trial court to modify the pattern jury instructions at a defendant's request to use the phrase "alleged victim" or "prosecuting witness" instead of "victim".

All pattern jury instructions should be carefully read and adaptations made, if necessary, before any instruction is given to the jury.

