

204A.30 THREATS TO DETER FROM CRIMINAL STREET GANG WITHDRAWAL.  
FELONY.

*NOTE WELL: Use this instruction for offenses occurring before December 1, 2017. For offenses occurring on or after December 1, 2017, use N.C.P.I.-Crim. 204A.30A.*

The defendant has been charged with communicating a threat of [injury to the victim] [damage to the victim's property] with the intent to deter the victim from assisting another to withdraw from membership in a criminal street gang.

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

First, that the defendant threatened [injury to the victim] [damage to the victim's property].

And Second, that the defendant intended<sup>1</sup> to deter the victim from assisting another to withdraw from membership in a criminal street gang.

A criminal street gang is defined as any ongoing organization, association, or group of three or more persons, whether formal or informal that has as one of its primary activities the commission of one or more felony<sup>2</sup> offenses, or delinquent acts that would be felonies if committed by an adult; (and) has three or more members individually or collectively engaged in, or who have engaged in, criminal street gang activity<sup>3</sup>; (and may have a common name, common identifying sign or symbol.)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant threatened [injury to the victim] [damage to the victim's property] with the intent to deter the victim from assisting another to withdraw from membership in a criminal street gang, it would be your duty to return a verdict of guilty. If you do not so find or have

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a reasonable doubt as to one or both of these things, it would be your duty to return a verdict of not guilty.

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1 If a definition of intent is needed see N.C.P.I. 120.10.

2 A felony is a crime which:

- (1) Was a felony at common law;
- (2) Is or may be punishable by death;
- (3) Is or may be punishable by imprisonment in the State's prison; or
- (4) Is denominated as a felony by statute. N.C.G.S. 14-1.

3 For a definition of "criminal street gang activity", see G.S. 14-50.16(c).