

N.C.P.I.—Crim 207.15A
STATUTORY RAPE OF A CHILD BY AN ADULT. (OFFENSES ON OR AFTER
DEC. 1, 2015) FELONY.
CRIMINAL VOLUME
REPLACEMENT JUNE 2016
N.C. Gen. Stat. § 14-27.23

207.15A STATUTORY RAPE OF A CHILD BY AN ADULT. (OFFENSES ON OR
AFTER DEC. 1, 2015) FELONY.

*NOTE WELL: This instruction is valid for offenses committed on
or after December 1, 2015. For offenses committed before
December 1, 2015, use N.C.P.I.—Crim. 207.15.*

The defendant has been charged with statutory rape of a child by an
adult.

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

First, that the defendant engaged in vaginal intercourse with the
victim. Vaginal intercourse is penetration, however slight, of the female sex
organ by the male sex organ. (The actual emission of semen is not
necessary.)

Second, that at the time of the acts alleged, the alleged victim was a
child under the age of thirteen years.¹

And Third, that at the time of the acts alleged, the defendant was at
least eighteen years of age.

If you find from the evidence beyond reasonable a doubt that on or
about the alleged date, the defendant engaged in vaginal intercourse with
the alleged victim and that at that time the alleged victim was a child under
the age of thirteen years and that the defendant was at least eighteen years
of age, 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.²

¹ A child would be under the age of thirteen if she had not yet reached her thirteenth
birthday. *In re Robinson*, 120 N.C. App. 874 (1995).

² N.C. Gen. Stat. § 14-27.23 provides that N.C. Gen. Stat. § 14-27.24 is a lesser

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included offense. Caution should be used in considering whether a lesser included offense instruction is warranted. For example, N.C. Gen. Stat. § 14-27.24 differs from this offense in that the State need not prove that the defendant is 18 or older. If there are lesser included offenses, change the last phrase to ". . . you would not return a verdict of guilty of rape of a child."