

[DISCHARGING] [ATTEMPTING TO DISCHARGE] A FIREARM WITHIN AN OCCUPIED BUILDING OR OTHER ENCLOSURE WITH INTENT TO INCITE FEAR. FELONY.

GENERAL CRIMINAL VOLUME

REPLACEMENT JUNE 2018

N.C. Gen. Stat. § 14-34.10

208.90B [DISCHARGING] [ATTEMPTING TO DISCHARGE] A FIREARM WITHIN AN OCCUPIED BUILDING OR OTHER ENCLOSURE WITH INTENT TO INCITE FEAR. FELONY.¹

The defendant has been charged with [discharging] [attempting to discharge] a firearm within an occupied building or other enclosure with the intent to incite fear.

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

First, that the defendant [[willfully] [wantonly]] [discharged] [attempted to discharge] a firearm within an occupied [building] [structure] [motor vehicle] [(describe other conveyance)] [erection] [enclosure].

Second, that the defendant intended to incite fear in another person.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [[willfully] [wantonly]] [discharged] [attempted to discharge] a firearm within an occupied [building] [structure] [motor vehicle] [(describe other conveyance)] [erection] [enclosure] with the intent to incite fear in another, 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 Unless covered under some other provision of law providing greater punishment, this crime is punishable as a Class F felony.

