

CONCEALING BIRTH OF A CHILD. FELONY. G.S. 14-46.

The defendant has been charged with concealing the birth of a child.<sup>1</sup>

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

First, that the defendant [secretly buried] [secretly disposed of] the body of a newborn child.<sup>2</sup>

Second, that this newborn child was dead at the time the defendant [secretly buried] [secretly disposed of] it.

And Third, that the purpose of the defendant in [secretly burying] [secretly disposing of] the dead body was to conceal the birth of the child.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [secretly buried] [secretly disposed of] the dead body of a newborn child, for the purpose of concealing the birth of the child 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.

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<sup>1</sup>This crime is a felony, but aiding and abetting the commission of this crime is a misdemeanor, G.S. 14-46. When a defendant is accused of aiding and abetting another in concealing the birth of a child, use N.C.P.I.--Crim. 202.20 or 202.30.

<sup>2</sup>It is uncertain whether the term "birth of a newborn child" contemplates only a live birth or whether it also contemplates a still birth. Under a somewhat dissimilar statute, the North Carolina Supreme Court held that only live births were contemplated and that it was only an affirmative defense that the child was stillborn. See S. v. Joiner, 11 N.C. 350 (1826).

