

INCEST. FELONY. G.S. 14-178.

NOTE WELL: Use this instruction for any incest alleged to have occurred before December 1, 2002. For offenses occurring after December 1, 2002, use this instruction or, if applicable, N.C.P.I.--Crim. 226.20A (victim under age 13) and 226.20B (victim 13, 14, 15 years of age).

The defendant has been charged with incest.

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

First, that the defendant had vaginal intercourse with another person. Vaginal intercourse is penetration, however slight, of the female sex organ by the male sex organ.

Second, that the person with whom he had vaginal intercourse was the defendant's [child] [stepchild] [legally adopted child] [grandchild] [parent] [grandparent] [uncle] [aunt] [nephew] [niece] [brother] [sister] of the [half] [whole] blood].

And Third, that the defendant knew the person was (*state relationship*).

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant had vaginal intercourse with a person who was (*state relationship*), and that the defendant knew the person was (*state relationship*), it would

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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, then it would be your duty to return a verdict of not guilty.