

FORNICATION AND ADULTERY. G.S. 14-184. MISDEMEANOR.

The defendant has been charged with fornication and adultery.

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

First, that the defendant was not married to (*name partner*).

Second, that the defendant had sexual intercourse with (*name partner*) between (*name appropriate dates*).

Third, that the sexual intercourse was habitual.

And Fourth, that the defendant and (*name partner*) were living together in the manner of husband and wife.

If you find from the evidence beyond a reasonable doubt that between the alleged dates, the defendant was not married to (*name alleged partner*), and had sexual intercourse with her habitually and lived with her in the manner of husband and wife, 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.

NOTE WELL: *The U.S. Supreme Court's ruling in Lawrence v. Texas, 539 U.S. 558, 123 S. Ct. 2472, 156 L.E.2d 508, 73 Crim. L.Rep. 396 (26 June 2003), bars the State from prosecuting crime against nature when adults of the same or opposite sex consensually commit one of the sex acts covered in N.C.G.S. 14-177 in private. The rationale in Lawrence may impact the constitutionality of G.S. 14-184.*

