

USING THREATENING LANGUAGE BY WAY OF TELEPHONE.¹ G.S. 14-196(a)(2). MISDEMEANOR.

The defendant has been charged with using threatening language by way of telephone.

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

First, that the defendant communicated to the victim by way of telephone.

Second, that while so communicating, he threatened to [inflict bodily harm to any person] [inflict bodily harm to the victim's child, sibling, spouse, or dependent] [inflict physical injury to the property of any person] [extort money or other things of value from any person].

And Third, that he acted willfully, that is intentionally.²

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant willfully threatened to [inflict bodily harm to any person] [inflict bodily harm to the victim's child, sibling, spouse, or dependent] [inflict physical injury to the property of any person] [extort money or other things of value from any person] while communicating with the victim by way of telephone, it would be your duty to return a

¹G.S. 14-196(a)(2) also applies to telephone answering machines or recorders or telefacsimile machines.

²If a definition of intent is needed see N.C.P.I.--Crim. 120.10. "Acting 'willfully' means acting 'voluntarily, intentionally, purposefully and deliberately,' indicating a purpose to do it without authority, and in violation of law", S. v. Whittle, 118 N.C. App. 130, 132 (1995).

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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.