

CYBERSTALKING--HARASSMENT. G.S. 14-196.3(b)(2). MISDEMEANOR.

The defendant has been charged with cyberstalking.

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

First, that the defendant communicated to the victim by way of [electronic mail]¹ [electronic communication].²

Second, that the defendant did so repeatedly, whether or not a conversation ensued.

Third, that the defendant communicated to the victim for the purpose of [abusing] [annoying] [threatening] [terrifying] [harassing] [embarrassing] any person.

And Fourth, that the defendant acted willfully, that is intentionally.³

If you find from the evidence beyond a reasonable doubt that on or about the alleged date(s), the defendant willfully communicated with the victim repeatedly by way of [electronic mail] [electronic communication] for the purpose of [abusing]

¹"Electronic mail" is defined as the transmission of information or communication by the use of the Internet, a computer, a facsimile machine, a pager, a cellular telephone, a video recorder, or other electronic means sent to a person identified by a unique address or address number and received by that person.

²"Electronic communication" is defined as any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature, transmitted in whole or in part by a wire, radio, computer, electromagnetic, photoelectric, or photo-optical system.

³If 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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(Continued.)

[annoying] [threatening] [terrifying] [harassing] [embarrassing]
any person, 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.