

RESISTING ARREST--LAWFULNESS OF ARREST. MISDEMEANOR.  
G.S. 14-223.

The defendant has been charged with resisting an officer.

Now I charge that for you to find the defendant guilty of this offense, the State must prove five things beyond a reasonable doubt:

First, that the victim was a public officer. A (name office) is a public officer.

Second, that the defendant knew or had reasonable grounds to believe that the victim was a public officer.

Third, that the victim was [making] [attempting to make] a lawful arrest. (Describe arrest) would be a lawful arrest. ((Describe alleged defects in the arrest) would render the arrest unlawful.)<sup>1</sup>

Fourth, that the defendant [resisted] [delayed] [obstructed] the victim in [making] [attempting to make] a lawful arrest.

And Fifth, that the defendant acted willfully and unlawfully, that is, intentionally and without justification or excuse.

So I charge that if you find from the evidence beyond a reasonable doubt that on or about the alleged date the victim was a public officer, that the defendant knew or had reasonable grounds to believe that the victim was a public officer, that the victim was [making] [attempting to make] a lawful arrest, and that the defendant willfully and unlawfully [resisted] [delayed]

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<sup>1</sup>See N.C.G.S. § 15A-401 for the law governing arrest situations.

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[obstructed] the victim in [making] [attempting to make] a lawful arrest, it would be your duty to return a verdict of guilty. However, 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.