

INTIMIDATING WITNESSES BY THREATENING THE ASSERTION OR
DENIAL OF PARENTAL RIGHTS. G.S. 14-226. FELONY.

The defendant has been charged with intimidating a witness by threatening the assertion or denial of parental rights.

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

First, that a person was [summoned] [acting] as a witness in a court of this State.¹

Second, that the person was [summoned] [acting] as a witness in the defendant's criminal case.

Third, that the defendant intentionally²

a[[intimidated] [attempted to intimidate] that witness in order to influence his testimony]³

b[[prevented] [deterred] [attempted to prevent] [attempted to deter] that witness from attending court.]

And Fourth, that the defendant did so by threatening the assertion or denial of parental rights.

¹It is immaterial that the victim was not regularly summoned or legally bound to attend. See *S. v. Neely*, 4 N.C. App. 475 (1969).

²For the definition of intent see N.C.P.I.--Crim. 120.10.

³Influencing testimony is the gravamen of the "intimidates" part of the statute. *S. v. Neeley*, supra, see also *S. v. Isom*, 52 N.C. App. 331 (1981).

INTIMIDATING WITNESSES BY THREATENING THE ASSERTION OR
DENIAL OF PARENTAL RIGHTS. G.S. 14-226. FELONY.

If you find from the evidence beyond a reasonable
doubt that on or about the alleged date a person was
[summoned] [acting] as a witness in the defendant's
criminal proceeding in a court of this state and that the
defendant intentionally

^a[[intimidated] [attempted to intimidate] that witness
by threatening the assertion or denial of parental rights
in order to influence his testimony]

^b[[prevented] [deterred] [attempted to prevent]
[attempted to deter] that witness from attending court by
threatening the assertion or denial of parental rights] 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 the things, it would be your duty to return a verdict of
not guilty.