

N.C.P.I.—Criminal 230.75

IMPERSONATION OF LAW-ENFORCEMENT OFFICER (CARRYING OUT AN ACT IN ACCORDANCE WITH THE AUTHORITY GRANTED TO A LAW-ENFORCEMENT OFFICER).

G.S. 14-277(b) MISDEMEANOR

General Criminal Volume

Replacement June 2011

NOTE WELL: If the defendant carried out an act in accordance with the authority granted to a law-enforcement officer by unlawfully operating a vehicle with an operating red light, use this instruction. If the defendant carried out an act in accordance with the authority granted to a law-enforcement officer by unlawfully operating a vehicle with an operating blue light, use N.C.P.I. Crim.—230.75A. Note that the use of a red light is a misdemeanor while use of a blue light is a felony.

The defendant has been charged with impersonating a law enforcement officer and carrying out an act in accordance with the authority granted to a law-enforcement officer.

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

First, that the defendant falsely represented to another that he was a sworn law-enforcement officer.

Second, that the defendant made this false representation by

- a. [verbally informing another that the defendant was a sworn law-enforcement officer];¹
- b. [displaying any badge or identification signifying to a reasonable individual that the defendant was a sworn law-enforcement officer];² or
- c. [unlawfully operating a vehicle on a [public street] [highway] [public vehicular area] with an operating red light].

And Third, that the defendant, while making this false representation, carried out an act in accordance with the authority granted to a law-enforcement officer by

- a. [ordering any person to remain at or leave from a particular place or area];
- b. [detaining or arresting any person];
- c. [searching any vehicle, building, or premises, whether public or private, (with)

¹ G.S. 14-277(a)(1) states that the defendant's representation need not refer to a particular agency.

² G.S. 14-277(a)(2) states that the badge or identification displayed by the defendant need not refer to a particular agency.

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(without) a [search warrant] [administrative inspection warrant]]];

- d. [unlawfully operating a vehicle on a [public street] [highway] [public vehicular area] equipped with an operating red light or siren in such a manner as to cause a reasonable person to yield the right-of-way or to stop that person's vehicle in obedience to such red light or siren].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant made a false representation to another person that the defendant was a sworn law-enforcement officer by [verbally informing another that the defendant was a sworn law-enforcement officer] [displaying any badge or identification signifying to a reasonable individual that the defendant was a sworn law-enforcement officer] [unlawfully operating a vehicle on a [public street] [highway] [public vehicular area] with an operating red light], and that the defendant carried out an act in accordance with the authority granted to a law enforcement officer by [ordering any person to remain at or leave from a particular place or area] [detaining or arresting any person] [searching any vehicle, building, or premises, whether public or private, (with) (without) a [search warrant] [administrative inspection warrant]] [unlawfully operating a vehicle on a [public street] [highway] [public vehicular area] equipped with an operating red light or siren in such a manner as to cause a reasonable person to yield the right-of-way or to stop that person's vehicle in obedience to such red light or siren], 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.