

233.85 PROVIDING [FORBIDDEN ARTICLES] [TOOLS TO ESCAPE] TO A
PRISONER. FELONY.

NOTE WELL: If the offense involves furnishing a controlled substance to an inmate, use N.C.P.I.—Crim. 233.80. If the offense involves furnishing a deadly weapon, cartridge or ammunition to an inmate, use N.C.P.I.—Crim. 233.81. If the offense involves furnishing an alcoholic beverage to an inmate, use N.C.P.I.—Crim. 233.82. If the offense involves furnishing tobacco to an inmate, use N.C.P.I.—Crim. 233.83.

The defendant has been charged with providing to a prisoner [an article forbidden by prison rules] [a [letter] [oral message] [weapon] [tool] [good] [clothing] [device] [instrument] to [effect an escape] [aid in an [assault] (or) [insurrection]]] to a prisoner.

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

First, that (*name prisoner*) was in the custody of [the Division of Adult Correction and Juvenile Justice of the Department of Public Safety] [a local confinement facility¹] [a law enforcement officer]². (*Name facility or custodial officer*) is [within the Division of Adult Correction and Juvenile Justice of the Department of Public Safety] [a local confinement facility] [a law enforcement officer].

And Second, that while (*name prisoner*) was [a prisoner of] [in the custody of] (*name facility or custodial officer*), the defendant [sold] [traded] [conveyed] [provided] [an article forbidden by prison rules] [a [letter] [oral message] [weapon] [tool] [good] [clothing] [device] [instrument] to [effect an escape] [aid in an [assault] (or) [insurrection]]] to (*name prisoner*).

If you find from the evidence beyond a reasonable doubt that on or about the alleged date (*name prisoner*) was in the custody of [the Division of Adult Correction and Juvenile Justice of the Department of Public Safety] [a local confinement facility] [a law enforcement officer] and that the defendant [sold] [traded] [conveyed] [provided] [an article forbidden by prison rules] [a letter] [oral message] [weapon] [tool] [good] [clothing] [device] [instrument] to [effect an escape] [aid in an [assault] (or) [insurrection]] to (*name prisoner*) 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.

1 See N.C. Gen. Stat. §§ 153A-217 and 153A-230.1 for the definition “local confinement facility,” which includes persons pending trial, appellate review, or presentence diagnostic evaluation.

2 N.C. Gen. Stat. § 14-254.5.