

DISORDERLY CONDUCT (FIGHTING OR OTHER VIOLENT CONDUCT).¹
MISDEMEANOR. G.S. 14-288.4(a)(1).

The defendant has been charged with disorderly conduct.

For you to find the defendant guilty of disorderly conduct, the State must prove three things beyond a reasonable doubt:

First, that the defendant willfully (and without justification or excuse) engaged in [fighting] [violent conduct]² [conduct creating the threat of imminent fighting or other violence].

Second, that such [fighting] [conduct] was a public disturbance. A public disturbance is an annoying, disturbing or alarming act or condition occurring in a public place that is beyond what would normally be tolerated in that place at that time. ((Name place) is a public place.)³

And Third, that such public disturbance was intentionally caused by the defendant.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant willfully and intentionally engaged in [fighting] [violent conduct] that caused

¹For other types of disorderly conduct, see N.C.P.I.--Crim. 226A.31 and G.S. 14-288.4.

²The statute does not define violent conduct, but the committee is of the opinion that violent conduct is conduct which involves the use of force. See State v. Weaver, 44 N.C. 9, 13 (1852).

³Conceivably, the question of whether a place is "public" could be a question of fact for the jury. However, most, if not all, of the time it would appear to be a question of law. When in doubt, consult G.S. 14-288.1(8). The remainder of this instruction proceeds on the assumption that the question is a matter of law. Caveat: A place to which "a substantial group has access" is a public place under G.S. 14-288.1(8).

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a public disturbance, it would be your duty to return a verdict of guilty of disorderly conduct. 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.