

N.C.P.I.—Crim 236A.40

DISORDERLY CONDUCT [IN] [NEAR] A PUBLIC [BUILDING] [FACILITY].

MISDEMEANOR.

CRIMINAL VOLUME

JUNE 2016

N.C. Gen. Stat. § 14-132(a)(1)

236A.40 DISORDERLY CONDUCT [IN] [NEAR] A PUBLIC [BUILDING] [FACILITY]. MISDEMEANOR.

The defendant has been charged with disorderly conduct¹ [in] [near] a public [building] [facility]².

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

First, that on or about the alleged date the defendant willfully (and without justification or excuse) made a [rude] [riotous] noise³.

Second, that such [rude] [riotous] noise was made [in] [near] (name building or facility), a public [building] [facility]⁴.

And Third, that such [rude] [riotous] noise 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 (without justification or excuse) made a [rude] [riotous] noise, that such [rude] [riotous] noise was

1 For other types of disorderly conduct, see N.C.P.I.-Crim. 236A.30 - 236A.31 and N.C. Gen. Stat. § 14-288.4.

2 The term "public building or facility" as used in this section includes any building or facility which is: One to which the public or a portion of the public has access and is owned or controlled by the State, any subdivision of the State, any other public agency, or any private institution or agency of a charitable, educational, or eleemosynary nature; or Dedicated to the use of the general public for a purpose which is primarily concerned with public recreation, cultural activities, and other events of a public nature or character; Designated by the Director of the State Bureau of Investigation in accordance with G.S. 143B-987. See N.C. Gen Stat. § 14-132(c).

3 See State v. Dale, ___ N.C. App. ___, ___S.E.2d___(Feb. 16, 2016) (finding defendant’s misbehavior in the lobby of the jail adjacent to the magistrate’s courtroom constituted “rude or riotous” noise when the defendant “cursed and shouted” at the officers).

4 The term "building or facility" as used in this section also includes the surrounding grounds and premises of any building or facility used in connection with the operation or functioning of such building or facility. See N.C. Gen Stat. § 14-132(c)(3).

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made [in] [near] a public [building] [facility], and that such [rude] [riotous] noise was intentionally caused by the defendant, 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.