

WILLFULLY ENGAGING IN A PREARRANGED SPEED COMPETITION ON A STREET OR HIGHWAY. G.S. 20-141.3(a). MISDEMEANOR.

The defendant has been charged with willfully engaging in a prearranged speed competition on a street or highway.

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

First, that the defendant, while operating a motor vehicle, engaged in a speed competition with another motor vehicle.

Second, that this speed competition was prearranged, that is, (*describe prearrangement*).

Third, that this speed competition occurred on a street or highway.

And Fourth, that the defendant acted willfully.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant, while operating a motor vehicle, willfully engaged in a prearranged speed competition with another motor vehicle on a street or highway, it would be your duty to return a verdict of guilty of willfully engaging in a prearranged speed competition on a street or highway. If you do not so find or have a reasonable doubt as to one or more of these things, you will not return a verdict of guilty of willfully engaging in a prearranged speed competition on street or highway,¹ but will determine whether he is guilty of willfully engaging in a speed competition on a street or highway.

¹If there is to be no instruction on the lesser included offense, this clause should read: "it would be your duty to return a verdict of not guilty."

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Willfully engaging in a speed competition on a street or highway differs from willfully engaging in a prearranged speed competition on a street or highway in that it is not necessary for the State to prove that the speed competition was prearranged.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant, while operating a motor vehicle, willfully engaged in a speed competition with another motor vehicle on a street or highway, it would be your duty to return a verdict of guilty of willfully engaging in a speed competition on a street or highway. 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.