

N.C.P.I.—CRIM 270.61B
UNSAFE BACKING CAUSING [PROPERTY DAMAGE IN EXCESS OF FIVE THOUSAND DOLLARS (\$5,000)] [SERIOUS BODILY INJURY] TO A MOTORCYCLE [OPERATOR] [PASSENGER]. INFRACTION.
GENERAL CRIMINAL VOLUME
JUNE 2014
N.C. Gen. Stat. § 20-154(a1), (a2)

270.61B UNSAFE BACKING CAUSING [PROPERTY DAMAGE IN EXCESS OF FIVE THOUSAND DOLLARS (\$5,000)] [SERIOUS BODILY INJURY] TO MOTORCYCLE [OPERATOR] [PASSENGER]. INFRACTION.

The defendant has been charged with unsafe backing causing [property damage in excess of five thousand dollars (\$5,000)] [[serious bodily injury to a motorcycle [operator] [passenger]]].

For you to find the defendant responsible for this infraction, the State must prove five things beyond a reasonable doubt:

First, that the defendant drove a vehicle on a [highway] [public vehicular area];

Second, that the defendant backed the vehicle;

Third, that before backing the vehicle, the defendant did not see that the movement could be made in safety; It is not required that the circumstances be absolutely free from danger. In determining whether the driver can back with safety, the driver has the right to assume, in the absence of circumstances indicating the contrary, that other drivers will exercise reasonable care to avoid colliding with the driver's vehicle;

Fourth, that when the defendant backed the vehicle, there was a motorcycle operator who was affected by this movement and defendant caused this motorcycle operator to [change travel lanes] [leave that portion of the highway designated as travel lanes];

And Fifth, that the defendant's actions resulted in a crash causing [property damage in excess of five thousand dollars (\$5,000)] [[serious bodily injury to a motorcycle [operator] [passenger]]].

If you find from the evidence beyond a reasonable doubt that on or

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about the alleged date, the defendant drove a vehicle on a [highway] [public vehicular area] that the defendant backed the vehicle, that before backing the vehicle, the defendant did not see that the movement could be made in safety and without interfering with other traffic, that when the defendant backed the vehicle there was a motorcycle operator who was affected by this movement and defendant caused this motorcycle operator to [change travel lanes] [leave that portion of the highway designated as travel lanes], and that the defendant's actions resulted in a crash causing [property damage in excess of five thousand dollars (\$5,000)] [[serious bodily injury to a motorcycle [operator] [passenger]], it would be your duty to return a verdict of responsible. 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 responsible.