

HIT AND RUN WITH PERSONAL INJURY OR DEATH (FAILURE TO STOP OR GIVE REQUIRED INFORMATION). G.S. § 20-166(C), (C1). MISDEMEANOR.

NOTE WELL: G.S. § 20-166(c) provides that this offense is applicable "only if the operator of the vehicle did not know and did not have reason to know of the death or injury."

The defendant has been charged with misdemeanor failing to [stop] [give required information] at the scene when the defendant was the driver of a vehicle involved in a crash¹ which resulted in [injury] [death].

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

First, that the defendant was driving a vehicle.²

Second, that the vehicle was involved in a crash.

Third, that a person [suffered personal injury in] [died as a result of] this crash.

Fourth, that the defendant knew or reasonably should have known that the vehicle the defendant was driving was involved in a crash.

Fifth, that the defendant failed to

- a. [Immediately stop the defendant's vehicle at the scene of the crash].
- b. [Give the defendant's name, address, drivers license number and the license plate number of the defendant's vehicle to the [person struck] [[driver] [occupant] of any other vehicle involved].³

And Sixth, that the defendant's failure to [stop] [give the required information] was willful, that is, intentional (and without justification or excuse.)⁴

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

1. G.S. 20-4.01(4b) defines "crash" as "Any event that results in injury or property damage attributable directly to the motion of a motor vehicle or its load. The terms collision, accident, and crash and their cognates are synonymous."

2. G.S. 20-4.01(49) defines the word "vehicle."

3. Other means for giving required information are set out in G.S. 20-166(c1) and 20-166.1.

4. If there is evidence of justification or excuse such as unawareness of the accident or collision, the jury should be instructed accordingly.

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date the defendant was driving a vehicle that the defendant knew or reasonably should have known was involved in a crash, which resulted in [personal injury to] [death of] a person, and that the defendant willfully (and without justification or excuse) failed to

- a. [immediately stop]
- b. [give the defendant's name, address, drivers license number and license plate number of the defendant's vehicle to the [person struck] [[driver] [occupant] of any other vehicle involved]

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.