

HIT AND RUN WITH SERIOUS BODILY INJURY OR DEATH (DEFENDANT STOPPED BUT FAILED TO GIVE REQUIRED INFORMATION AND RENDER ASSISTANCE). G.S. § 20-166(B). MISDEMEANOR.

The defendant has been charged with failing to give required information and render assistance at the scene when the defendant was the driver of a vehicle involved in a crash<sup>1</sup> which the defendant knew or should have known resulted in [serious bodily injury<sup>2</sup>] [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.<sup>3</sup>

Second, that the vehicle was involved in a crash.

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

Fourth, that the defendant knew or reasonably should have known that the defendant was involved in a crash and that a person<sup>4</sup> [suffered serious bodily injury] [died as a result of] that crash. The defendant's knowledge can be actual or implied--that is, it may be inferred where the circumstances proven are such as would lead the defendant to believe that the defendant had been in a crash which resulted in [serious bodily injury to] [death of] a person.<sup>5</sup>

Fifth, that the defendant stopped but did not

- a. [give the defendant's name, address, drivers license number, and the license plate number of the defendant's vehicle to the [person struck] [[driver]

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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. Serious bodily injury is defined as "bodily injury that creates a substantial risk of death, or that causes serious permanent disfigurement, coma, a permanent or protracted condition that causes extreme pain, or permanent or protracted loss or impairment of the function of any bodily member or organ, or that results in prolonged hospitalization. G.S. 14-32.4.

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

4. This instruction is equally applicable where a pedestrian is involved.

5. See State v. Fearing, 304 N.C. 471 (1982) for a discussion of the knowledge required.

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[occupant] of any other vehicle involved]<sup>6</sup> and

- b. [render reasonable assistance to the person injured if [it was apparent that such assistance was necessary] [requested by the injured person]].

And Sixth, that the defendant's failure was willful, that is, intentional (and without justification or excuse.<sup>7</sup>)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant was driving a vehicle that was involved in a crash which resulted in [serious bodily injury to] [death of] a person, that the defendant knew or reasonably should have known that the defendant had been in that crash and that a person had [suffered serious bodily injury] [died as a result of that crash], that the defendant stopped but did not

- a. [give the defendant's name, address, driver's license number and the license plate number of the defendant's vehicle to the [person struck] [[driver] [occupant] of any other vehicle involved] and
- b. [render reasonable assistance to the person injured if [it was apparent that this was necessary] [requested by the injured person]],

and that the defendant's failure to do so was willful (and without justification or excuse), 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.

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6. It is a defense to this offense if the victim(s) were not physically or mentally capable of receiving such information. *State v. Coggin*, 263 N.C. 457 (1965).

7. If there is evidence of justification or excuse, the jury should be instructed accordingly.