

REMOVAL OF VEHICLE FROM SCENE AFTER ACCIDENT RESULTING IN [DAMAGE TO PROPERTY] [INJURY OR DEATH TO PERSON OF WHICH THE PASSENGER WAS UNAWARE] - PASSENGER. MISDEMEANOR. G.S. 20-166.2(a).

The defendant has been charged with removal of a vehicle from the scene of an accident resulting in [damage to property] [injury or death to any person about which the defendant did not know or have reason to know].

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

First, that the defendant was a passenger of a vehicle that was involved in a reportable accident. A reportable accident<sup>1</sup> is one involving a motor vehicle that results in [death or injury of a human being] [total property damage of one thousand dollars (\$1,000) or more] [property damage of any amount to a vehicle seized because it was driven by a person charged with an offense involving impaired driving whose license was already revoked as a result of a prior impaired driving offence)

Second, that the defendant knew or reasonably should have known that the vehicle was involved in an accident or collision.

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<sup>1</sup>G.S. 20-4.01(33b) defines a "reportable crash" but does not include a definition for a "reportable accident." The Pattern Jury Committee assumes that the legislature intended the term "reportable accident" in G.S. 20-166(c) to be synonymous with the term "reportable crash" and thus uses that definition here.

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Third, that the accident resulted in [damage to property] [injury or death to any person about which the defendant did not know or have reason to know].

Fourth, that defendant willfully [facilitated] [allowed] [agreed to] the removal of the vehicle from the scene of the accident (without justification or excuse).

And Fifth, that a law enforcement officer had not [completed the investigation of the accident] [authorized the removal of the vehicle].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant was a passenger of a vehicle that was involved in a reportable accident, that the defendant knew or reasonably should have known that the vehicle was involved in an [accident] [collision], that the accident resulted in [damage to property] [injury or death to any person about which the defendant did not know or have reason to know], and that the defendant willfully [facilitated] [allowed] [agreed to] the removal of the vehicle from the scene of the accident before a law enforcement officer had [completed the investigation of the accident] [authorized the removal of the vehicle] (without justification or excuse), it would be

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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.

