

N.C.P.I.—Criminal 202.40
ACCESSORY AFTER THE FACT (WITH SPECIAL VERDICT FORM). G.S. 14-7
General Criminal Volume
Replacement June 2011

NOTE WELL: G.S. 14-7 (effective December 1, 1997). Unless a different classification is expressly stated, that person shall be punished for an offense that is two classes lower than the felony the principal felon committed, except that an accessory after the fact to a Class A or Class B1 felony is a Class C felony, an accessory after the fact to a Class B2 felony is a Class D felony, an accessory after the fact to a Class H felony is a Class 1 misdemeanor, and an accessory after the fact to a Class I felony is a Class 2 misdemeanor.

NOTE WELL: Where the defendant is charged with both (name crime) and accessory after the fact to (name crime), the jury must be instructed as follows: “You may convict the defendant of (name crime) or accessory after the fact to (name crime), but not both.” (State v. Melvin, 2010 WL 5246101 (N.C.)). Where a defendant is charged with both (name crime) and accessory after the fact to (name crime), use a special verdict sheet. (See sample verdict sheet attached).

The defendant has been charged with being an accessory after the fact to (name crime).

For you to find the defendant guilty as an accessory after the fact to (name crime), the State must prove two things beyond a reasonable doubt:

First, that (name crime) was committed by some person(s) other than the defendant.

(Set forth elements of the crime using Pattern Jury Instructions).

And Second, that after the crime was committed, the defendant, knowing another (other) person(s) to have committed (name crime), knowingly and willfully assisted that person in [[escaping] [attempting to escape]] [[detection] [arrest] [punishment]].

If you find from the evidence beyond a reasonable doubt that another person committed (name crime), and that thereafter, on or about the alleged date, the defendant, knowing that (those) person(s) to have committed (name crime) knowingly and willfully assisted the other person(s) in [[escaping] [attempting to escape]] [[detection] [arrest] [punishment]], 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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SPECIAL VERDICT FORM

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

COUNTY OF _____

SUPERIOR COURT DIVISION

STATE OF NORTH CAROLINA

-VS-

_____, DEFENDANT

Issue One:

We, the jury, return as our unanimous verdict that the defendant is:

(1) Guilty of (name crime). _____

OR

(2) Not guilty of (name crime). _____

IF YOU ANSWERED ISSUE ONE "GUILTY" THEN DO NOT ANSWER ISSUE TWO. IF YOU ANSWERED ISSUE ONE "NOT GUILTY" THEN ANSWER ISSUE TWO.

Issue Two:

We, the jury, return as our unanimous verdict that the defendant is:

(3) Guilty of Accessory After the Fact to (name crime). _____

OR

(4) Not guilty of Accessory After the Fact to (name crime). _____

This the ____ day of _____, _____.

Jury Foreperson