

204A.25 SOLICITATION OF PARTICIPATION BY A MINOR IN CRIMINAL
STREET GANG ACTIVITY. FELONY.

*NOTE WELL: Use this instruction for offenses occurring before
December 1, 2017. For offenses occurring on or after December
1, 2017, use N.C.P.I.-Crim. 204A.25A.*

The defendant has been charged with [causing] [encouraging]
[soliciting] [coercing] a person under 16 years of age to participate in criminal
street gang activity.

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

First, that the defendant [caused] [encouraged] [solicited] [coerced]
(*name individual*) to participate in criminal street gang activity by committing
the offense of (*name crime*). (*Define crime.*)¹

Second, that the defendant had the specific intent that the (*name crime*)
was committed in furtherance of the defendant’s involvement in a criminal
street gang.

A criminal street gang is defined as any ongoing organization,
association, or group of three or more persons, whether formal or informal
that has as one of its primary activities the commission of one or more felony
offenses, or delinquent acts that would be felonies if committed by an adult;
(and) has three or more members individually or collectively engaged in, or
who have engaged in, criminal street gang activity; (and may have a common
name, common identifying sign or symbol).

And Third, that (*name individual*) who was [caused] [encouraged]
[solicited] [coerced] was under 16 years of age when the defendant [caused]
[encouraged] [solicited] [coerced] (*name individual*) to participate in criminal
street gang activity.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [caused] [encouraged] [solicited] [coerced] (name individual), who was under 16 years of age to participate at the time, in criminal street gang activity by committing (name crime), and that the defendant had the specific intent that (name crime) was committed in furtherance of the defendant's involvement in a criminal street gang, 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.

1 See G.S. 14-50.16(c). An act or acts are included if accompanied by the necessary mens rea or criminal intent and would be chargeable by indictment under the following laws of this State: (1) any offense under Article 5 of Chapter 90 of the General Statutes (Controlled Substances Act). (2) any offense under Chapter 14 of the General Statutes except Articles 9, 22A, 40, 46, 47, 59 thereof; and further excepting G.S. 14-78.1, 14-190.9, 14-195, 14-197, 14-201, 14-247, 14-248, 14-313 thereof.