

N.C.P.I.—CRIM 206.58
MISDEMEANOR DEATH BY VEHICLE. MISDEMEANOR.
GENERAL CRIMINAL VOLUME
JUNE 2014
N.C. Gen. Stat. § 20-141.4(a2)

206.58 MISDEMEANOR DEATH BY VEHICLE.

The defendant has been charged with misdemeanor death by vehicle, which is the unintentional killing of a human being by a person engaged in the violation of a law or ordinance governing the operation of motor vehicles.¹

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

First, that the defendant violated the following law of this State governing the operation of motor vehicles. The law of this State include (*define the pertinent traffic law and enumerate the elements*).¹

And Second, that the defendant's violation of the law proximately caused the victim's death. A proximate cause is a real cause, a cause without which the victim's death would not have occurred, and one that a reasonably careful and prudent person could foresee would probably produce such [injury] [damage] or some similar injurious result. (The defendant's act need not have been the only cause, nor the nearest cause. It is sufficient if it occurred with some other cause acting at the same time, or in combination with, caused the death of the victim.)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant (*give the mandate for the offense involved*) and thereby violated the law of this State governing the operation of a vehicle and that this violation proximately caused the death of the victim, 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

¹ This offense applies only to violations other than impaired driving. Therefore, this offense is not a lesser included offense of Felony Death by Vehicle (N.C.P.I.–Crim. 206.57), but it may be a lesser included offense of Involuntary Manslaughter (N.C.P.I.–Crim. 206.55).

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be your duty to return a verdict of not guilty.²

NOTE WELL: Where the indictment charges and the evidence supports the violation of more than one traffic law define and enumerate the elements of the charge involved and adjust the mandate accordingly.

² When a case will be submitted to a jury on a charge for which the penalty involves the possibility of the loss of a motor vehicle driver's license, either party in its argument to the jury may indicate the consequences of a verdict of guilty of that charge. N.C. Gen. Stat. § 15-176.9.