

N.C.P.I.—Crim 207.90

SEXUAL BATTERY. (OFFENSES ON OR AFTER DEC 1, 2015) MISDEMEANOR
REPLACEMENT JUNE 2017

N.C. Gen. Stat. § 14-27.5A

207.90 SEXUAL BATTERY. (OFFENSES ON OR AFTER DEC 1, 2015)
MISDEMEANOR.

NOTE WELL: Use this instruction for offenses committed on or after December 1, 2003.

The defendant has been charged with sexual battery. For you to find the defendant guilty of this offense, the State must prove three things beyond a reasonable doubt.

First, that the defendant engaged in sexual contact with another person. Sexual contact means

- a) [touching the [sexual organ] [anus] [breast] [groin] [buttocks] of any person]
- b) [a person touching another person with their own [sexual organ] [anus] [breast] [groin] [buttocks]]
- c) [a person [[ejaculating] [emitting] [placing]] [semen] [urine] [feces] upon any part of another person]

Second, that

- a) [the contact was by force and against the will of the other person]
- b) [the victim was [mentally disabled] [mentally incapacitated] [physically helpless] and the defendant [knew] [should reasonably have known] that the victim was [mentally disabled] [mentally incapacitated] [physically helpless],

And Third, that the defendant acted for the purpose of [sexual arousal] [sexual gratification] [sexual abuse].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant engaged in sexual contact with another

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person, that

- a) [the contact was by force and against the will of the other person]
- b) [the victim was [mentally disabled] [mentally incapacitated] [physically helpless]] and the defendant [knew] [should reasonably have known] that the victim was [mentally disabled] [mentally incapacitated] [physically helpless],

and that, the defendant acted for the purpose of [sexual arousal] [sexual gratification] [sexual abuse], 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.