

N.C.P.I.—Crim 207.90A

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

JUNE 2016

N.C. Gen. Stat. § 14-27.33

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

NOTE WELL: Use this instruction for offenses committed on or after December 1, 2015. For offenses committed before December 1, 2015, use N.C.P.I.—Crim. 207.90.

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]]

Second, that

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

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gratification] [sexual abuse] and that

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

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.