

CYBERSTALKING--THREATENING LANGUAGE. G.S. 14-196.3(b)(1).  
MISDEMEANOR.

The defendant has been charged with cyberstalking.

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

First, that the defendant communicated to the victim by way of [electronic mail]<sup>1</sup> [electronic communication].<sup>2</sup>

Second, that while so communicating, the defendant threatened to [inflict bodily harm to the victim] [inflict bodily harm to the victim's child, sibling, spouse, or dependent] [inflict physical injury to the property of the victim] [extort money or other things of value from the victim].

And Third, that the defendant acted willfully, that is intentionally.<sup>3</sup>

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant willfully threatened to [inflict bodily harm to the victim] [inflict bodily harm to the victim's child, sibling, spouse, or dependent] [inflict

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<sup>1</sup>"Electronic mail" is defined as the transmission of information or communication by the use of the Internet, a computer, a facsimile machine, a pager, a cellular telephone, a video recorder, or other electronic means sent to a person identified by a unique address or address number and received by that person.

<sup>2</sup>"Electronic communication" is defined as any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature, transmitted in whole or in part by a wire, radio, computer, electromagnetic, photoelectric, or photo-optical system.

<sup>3</sup>If a definition of intent is needed, see N.C.P.I.--Crim. 120.10. "Acting willfully means acting 'voluntarily, intentionally, purposefully, and deliberately,' indicating a purpose to do it without authority, and in violation of law." S. v. Whittle, 118 N.C. App. 130, 132 (1995).

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physical injury to the property of the victim] [extort money or other things of value from the victim] while communicating to the victim by way of [electronic mail] [electronic communication], 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.