

CYBER-BULLYING WITH INTENT TO [INTIMIDATE] [TORMENT] [A MINOR] [A MINOR'S [PARENT] OR [GUARDIAN]]. G.S. 14-458.1(A)(2). MISDEMEANOR.

The defendant has been charged with cyber-bullying with intent to [intimidate] [torment] [a minor¹] [a minor's parent or guardian].

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

First, that the defendant used a [computer] [computer network].

Second, that while using the [computer] [computer network], the defendant:

[posted a real or doctored image of the minor on the internet]

[[accessed] [altered] [erased] any computer [network] [data] [program] [software]]

[[broke into] [accessed] a password protected account]

[stole a password]

[used the computer for [repeated] [continuing] [sustained] electronic mail or other communications² to the minor].

(And) Third, that the defendant acted with the intent³ to [intimidate] [torment] [the minor] [the minor's [parent] [guardian]].

***NOTE WELL:** If defendant is 18 years of age or older at the time the alleged offense was committed, use the following:*

(And) Fourth, that the defendant was 18 years of age or older at the time the alleged

1. Minor means an individual who is less than 18 years old and is not married or judicially emancipated.

2. Electronic communications means electronic mail or other transmissions.

3. 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).

CYBER-BULLYING WITH INTENT TO [INTIMIDATE] [TORMENT] [A MINOR] [A MINOR'S [PARENT] OR [GUARDIAN]]. G.S. 14-458.1(A)(2). MISDEMEANOR. (*Continued*)

offense was committed.⁴)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant used a [computer] [computer network] to [post a real or doctored image of the minor on the internet] [[accessed] [altered] [erased] any computer [network] [data] [program] [software]] [[broke into] [accessed] a password protected account] [stole a password] [used the computer for [repeated] [continuing] [sustained] electronic mail or other communications with the intent to [intimidate] [torment] [the minor] [the minor's [parent] [guardian]], (and the defendant was 18 years of age or older), 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.

4. The penalty for this offense is higher if the defendant is 18 years old or older.