

N.C.P.I.—Crim—226.71A
CYBER-BULLYING OF SCHOOL EMPLOYEE BY STUDENT—[COMPUTER]
[INTERNET] INTERFERENCE WITH EMPLOYEE. MISDEMEANOR.
CRIMINAL VOLUME
JUNE 2013
N.C. Gen. Stat. § 14-458.2 (b)(1).

226.71A CYBER-BULLYING OF SCHOOL EMPLOYEE BY STUDENT—
[COMPUTER] [INTERNET] INTERFERENCE WITH EMPLOYEE. MISDEMEANOR.

The defendant has been charged with cyber-bullying a school employee.

For you to find the defendant¹ guilty of this offense, the State must prove five things beyond a reasonable doubt:

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

Second, that the defendant had the intent to [intimidate] [torment] (*name school employee*);

Third, that the defendant was a student at (*name school*);

Fourth, that the defendant:

- a) [built a fake [profile] [website]]
- b) [[posted] [encouraged others to post] on the Internet [private] [personal] [sexual information] pertaining to a school employee]
- c) [posted a [real] [doctored] image of the school employee on the internet]
- d) [[accessed] [altered] [erased] any [computer network] [computer data] [computer program] [computer software] (including) [breaking into a password-protected account] [stealing] [otherwise accessing] passwords]

1 G.S. 14-458.2 (a)(2) defines "student" as "a person who has been assigned to a school by a local board of education as provided in G.S. 115C-366; or has enrolled in a charter school authorized under G.S. 115C-238.29D, a regional school created under G.S. 115C-238.62, or a nonpublic school which has filed intent to operate under Part 1 or Part 2 of Article 39 of Chapter 115C of the General Statutes, or a person who has been suspended or expelled from any of these schools within the last year."

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- e) [used a computer system for [repeated] [continued] [sustained] electronic communications, (including) [electronic mail] [other transmissions] to a school employee].

And Fifth, that the victim of the cyber-bullying was a school employee.²

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant was a student and with the intent to [intimidate] [torment] a school employee used a [computer] [computer network] to:

- a) [build a fake [profile] [website]]
- b) [[post] [encourage others to post] on the Internet [private] [personal] [sexual information] pertaining to a school employee]
- c) [post a [real] [doctored] image of the school employee on the internet]
- d) [[access] [alter] [erase] any [computer network] [computer data] [computer program] [computer software] (including) [breaking into a password-protected account] [stealing] [otherwise accessing] passwords]
- e) [use a computer system for [repeated] [continued] [sustained] electronic communications, (including) [electronic mail] [other transmissions] to a school employee],

² G.S. 14-458.2 (a)(1) defines "school employee" as "(a) An employee of a local board of education, a charter school authorized under G.S. 115C-238.29D, a regional school created under G.S. 115C-238.62, or a nonpublic school which has filed intent to operate under Part 1 or Part 2 of Article 39 of Chapter 115C of the General statutes. (b) An independent contractor or an employee of an independent contractor of a local board of education, a charter school authorized under G.S. 115C-238.29D, a regional school created under G.S. 115C-238.62, or a nonpublic school which has filed intent to operate under Part 1 or Part 2 of Article 39 of Chapter 115C of the General Statutes, if the independent contractor carries out duties customarily performed by employees of the school."

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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, then it would be your duty to return a verdict of not guilty.

