

N.C.P.I.—CRIM 233.45  
PRISON BREACH AND ESCAPE FROM [COUNTY] [MUNICIPAL] CONFINEMENT  
[FACILITIES] [OFFICERS]. MISDEMEANOR.  
GENERAL CRIMINAL VOLUME  
JUNE 2014  
N.C. Gen. Stat. § 14-256  
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233.45 PRISON BREACH AND ESCAPE FROM [COUNTY] [MUNICIPAL]  
CONFINEMENT [FACILITIES] [OFFICERS]. MISDEMEANOR.<sup>1</sup>

The defendant has been charged with prison breach and escape from  
[county] [municipal] confinement [facilities] [officers].

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

First, that the defendant was

[in the lawful custody of the Division of Adult Correction]

[lawfully confined in a [prison] [jail] [lock-up] facility maintained by a  
[county] [municipality] of North Carolina]

[in the lawful custody of a(n) [superintendent] [guard] [officer] of a  
[prison] [jail] [lock-up] facility maintained by a [county] [municipality] of  
North Carolina]

And Second, that the defendant escaped from custody.<sup>2</sup>

If you find from the evidence beyond a reasonable doubt that on or  
about the alleged date the defendant escaped while

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1 The defendant is guilty of a felony if he has either been charged with or convicted  
of a felony and has been committed to the facility pending trial or transfer to the State  
prison system; or the defendant is serving a sentence imposed upon conviction of a felony.

2 If the defendant fails to return from work release or temporary parole, add the  
following sentence: "A willful failure of a prisoner [under the work release program] [on  
temporary parole] to return to an appointed place at an appointed time as ordered, would  
be an escape." N.C. Gen. Stat. § 148-45(g)(1); N.C. Gen. Stat. § 148-4. N.C. Gen. Stat. §  
148-45(g)(2) provides that if a prisoner who would otherwise be guilty of a first violation of  
N.C. Gen. Stat. § 148-45(g)(1) voluntarily returns to his place of confinement within 24  
hours of the time at which he was ordered to return, such person shall not be charged with  
an escape.

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North Carolina]

it would be your duty to return a verdict of guilty. If you do not so find or  
have reasonable doubt as to one or more of these things, it would be your  
duty to return a verdict of not guilty.