

N.C.P.I.—CRIM 235.10
CARRYING A CONCEALED WEAPON OTHER THAN A PISTOL OR HANDGUN.
MISDEMEANOR
GENERAL CRIMINAL VOLUME
JUNE 2014
N.C. Gen. Stat. § 14-269(a)

235.10 CARRYING A CONCEALED WEAPON OTHER THAN A PISTOL OR
HANDGUN. MISDEMEANOR.

The defendant has been charged with carrying a concealed weapon.¹

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

First, that the defendant carried a (*describe deadly weapon*).²

Second, that the weapon was concealed, that is, hidden from the view of others.

Third, that the weapon was on or about the defendant's person, that is, it was concealed near, in close proximity to the defendant, and within the defendant's convenient control and easy reach, so that the defendant could promptly use it, if prompted to do so by any violent motive.³

(And) Fourth, that the defendant acted willfully and intentionally,⁴ that is, that the defendant intended to carry and conceal the weapon.

NOTE WELL: The jury should be instructed as to the next element only if there is an issue as to whether the defendant was on the defendant's own premises.

(And Fifth, that the defendant was not on the defendant's own

1 This prohibition does not apply to a person who has a concealed handgun permit issued in accordance with Article 54B of this Chapter, has a concealed handgun permit considered valid under G.S. 14-415.24, or is exempt from obtaining a permit pursuant to G.S. 14-415.25, provided the weapon is a handgun, is in a closed compartment or container within the person's locked vehicle, and the vehicle is in a parking area that is owned or leased by State government. A person may unlock the vehicle to enter or exit the vehicle, provided the handgun remains in the closed compartment at all times and the vehicle is locked immediately following the entrance or exit.

2 See N.C. Gen. Stat. § 14-269(a) for a list of weapons.

3 See *State v. Gainey*, 273 N.C. 620, 160 S.E.2d 685, 1968 N.C. LEXIS 640 (N.C. 1968).

4 See N.C.P.I.-Crim. 120.10 for definition of "intent."

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premises).

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant willfully and intentionally carried and concealed about the defendant's person a (*describe deadly weapon*) (while off the defendant's own premises), 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.⁵

⁵ See N.C. Gen. Stat. § 14-269(b1) for a defense to this offense.