

N.C.P.I.—Crim 240.50
VIOLATION OF VALID PROTECTIVE ORDER. MISDEMEANOR.
CRIMINAL VOLUME
REPLACEMENT JUNE 2016
N.C. Gen. Stat. § 50B-4.1(a)

240.50 VIOLATION OF VALID PROTECTIVE ORDER. MISDEMEANOR.

NOTE WELL: N.C. Gen. Stat. § 50B-4.1(f) provides that any person who knowingly violates a valid protective order under N.C. Gen. Stat. § 50B-4.1(a), after having been previously convicted of two offenses under this Chapter, shall be guilty of a felony. See N.C.P.I.—Crim. 240.55.

The defendant has been charged with knowingly violating a valid domestic violence protective order.

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

First, that a valid domestic violence protective order was issued on (name date) in (name court) [pursuant to North Carolina law] [by the courts of another state] [by the court of an Indian tribe].

Second, that the defendant violated the valid domestic violence protective order by (*describe conduct that would constitute a violation of the order*).

And Third, that the defendant did so knowingly¹. (Where a domestic violence protective order has been served on a defendant, you may presume that the defendant knew the specific terms of the domestic violence protective order.)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant knowingly violated a valid domestic violence protective order, it would be your duty to return a verdict of guilty.² 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.

¹ The word “knowingly,” as used in statute defining knowing violation of domestic violence protective order (DVPO), means that defendant knew what he was about to do, and, with such knowledge, proceeded to do the act charged. State v. Williams, 226 N.C.

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App. 393, 411, 741 S.E.2d 9, 22 (2013) (quoting State v. Aguilar-Ocampo, 219 N.C. App. 417, 427, 724 S.E.2d 117, 125 (2012)).

2 See N.C. Gen. Stat. § 50B-4.1(d) for sentence enhancement when violation of protective order is committed in conjunction with the commission of a felony.