

N.C.P.I.—Crim 247.20
INSTIGATING OR PROMOTING CRUELTY TO (AN) ANIMAL(S).
REPLACEMENT JUNE 2017
N.C. Gen. Stat. § 14-361

247.20 INSTIGATING OR PROMOTING CRUELTY TO (AN) ANIMAL(S).

The defendant has been charged with willfully instigating¹ cruelty to (an) animal(s).

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

First, that the defendant [instigated] [promoted] an act of cruelty to (*name animal(s)*) by

- a. [overdriving] [overloading] [eounding] [injuring] [tormenting]² [killing] [depriving of necessary sustenance]];
- b. [causing] [procuring] to be [overdriven] [overloaded] [wounded] [injured] [tormented]³ [killed] [deprived of necessary sustenance];
- c. [torturing]⁴ [mutilating] [maiming] [cruelly beating]⁵ [disfiguring] [poisoning] [killing]];
- d. [causing] [procured] to be [tortured]⁶ [mutilated] [maimed] [cruelly beat]⁷ [disfigured] [poisoned] [killed]];

And Second, that the defendant acted willfully, that is intentionally and without justification and excuse.⁸

NOTE WELL: If the defendant presents evidence of justification or excuse, e.g., self-defense, defense of other, etc., then the instruction must be amended to add these defenses. If added, these defenses must be included to the mandate.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant willfully [instigated] [promoted] an act of cruelty to (*name type of animal*), 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

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of these things it would be your duty to return a verdict of not guilty.

1 In addition to punishing instigating and promoting, the statute also punishes setting on foot, moving to, carrying on, engaging in or doing any act towards the furtherance of any act of cruelty to any animal.

2 The word "torment" includes or refers to any act, omission, or neglect causing or permitting unjustifiable pain, suffering, or death.

3 *Id.*

4 The word "torture" includes or refers to any act, omission, or neglect causing or permitting unjustifiable pain, suffering, or death.

5 The word "cruelly" includes or refers to any act, omission, or neglect causing or permitting unjustifiable pain, suffering, or death.

6 See note #4.

7 See note #5.

8 If the defendant presents evidence of justification or excuse, e.g., self-defense, defense or other, etc., then the instruction should be amended to add these defenses. Special care should be used to include defenses in the mandate.