

N.C.P.I. -- CRIM. 255.03 FAILURE TO APPEAR (ALCOHOL-RELATED OFFENSES).
G.S. 20-28(a2). *Misdemeanor*.

Note Well: This instruction applies to offenses occurring on or after December 1, 2006.

The defendant has been charged with failure to appear.

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

First, that on (*name date*) the defendant was charged with an implied-consent offense. (*Name offense*) is an implied-consent offense.¹

Second, that the defendant was ordered to appear for a regularly scheduled court appearance within two years from the date of the charged offense.

And Third, that the defendant failed to appear for a regularly scheduled court appearance for at least two years from the date of the charge.

If you find from the evidence beyond a reasonable doubt that the defendant, on (*name date*) was charged with an implied-consent offense, that the defendant was ordered to appear for a regularly scheduled court appearance within two years from the date of the charged offense, and that the defendant failed to appear for a regularly scheduled court appearance for at least two years from the date of the charge, 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.

¹ See G.S. 20-16.2

