

271.12 DRIVING A MOTOR VEHICLE ON A HIGHWAY WHILE LICENSE HAS
BEEN REVOKED FOR AN IMPAIRED DRIVING OFFENSE

The defendant has been charged with driving a motor vehicle on a highway while the defendant's driver's license was revoked for an impaired driving offense.

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

First, that the defendant drove a motor vehicle.

Second, that the defendant drove the motor vehicle on a highway.

Third, that at the time the defendant was driving the motor vehicle, the defendant's driver's license was revoked. The defendant must have had knowledge of the revocation at the time he was driving the motor vehicle.

And Fourth, that at the time the defendant was driving the motor vehicle, the defendant's driver's license was revoked for the commission of an impaired driving offense. (Name offense) is an impaired driving offense.

NOTE WELL: There are numerous impaired driving offenses that could support this offense pursuant to G.S. § 20-28(a1).

In order for you to find that notice of the revocation was given, of which the defendant had knowledge, [the State must prove beyond a reasonable doubt that notice of the revocation was personally delivered to the defendant] [the State must prove beyond a reasonable doubt that the defendant surrendered the defendant's license to (name official) of the (name court) on (name date)] [the State must prove three things beyond a reasonable doubt:

First, that notice was deposited in the United States mail at least four days before the alleged driving of a motor vehicle by the defendant.

Second, that the notice was mailed in an envelope with postage prepaid.

And Third, that the envelope was addressed to the defendant at the defendant's address as shown by the records of the Department of Motor Vehicles.

Proof beyond a reasonable doubt that the State complied with the three requirements of the notice provisions permits, but does not compel you to find that defendant received the notice and thereby acquired knowledge of the revocation.] The State must prove the essential elements of the charge, including the defendant's knowledge of the revocation, from the evidence beyond a reasonable doubt.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant drove a motor vehicle on a highway, while the defendant's driver's license was revoked; and that the defendant knew on that date that the defendant's license was revoked because [notice of the revocation was personally delivered to the defendant] [the defendant surrendered the defendant's license to (name official) of the (name court) on (name date)] [at least four days before the alleged offense the Department of Motor Vehicles deposited notice of the revocation in the United States mail in an envelope with postage prepaid and addressed to the defendant at the defendant's address as shown by the records of the Department] then it would be your duty to return a verdict of guilty. If you do not so find or if you have

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a reasonable doubt as to one or more of these things, it would be your duty
to return a verdict of not guilty.

