

FAILURE TO RETURN WITH THE VEHICLE AFTER BEING PERMITTED TO REMOVE IT FROM THE SCENE AFTER AN ACCIDENT RESULTING IN [INJURY] [DEATH] TO ANY PERSON - DRIVER. FELONY. G.S. 20-166(a).

The defendant has been charged with failure to return with the vehicle after being permitted to remove it from the scene of an [accident] [collision] resulting in [injury] [death] to any person.

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

First, that the defendant was the driver of a vehicle that was involved in an [accident] [collision].

Second, that the defendant knew or reasonably should have known that the vehicle was involved in an [accident] [collision] resulting in [injury] [death] to any person.

Third, that defendant removed the vehicle to [call for a law enforcement officer] [call for medical assistance] [call for medical treatment] [remove defendant or others from significant risk of injury].

And Fourth, that defendant willfully failed to return with the vehicle to the accident scene within a reasonable period of time (without justification or excuse).¹

¹It would be a defense under this statute that a law enforcement officer instructed the driver not to return the vehicle to the scene of the accident.

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If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant was the driver of a vehicle that was involved in an [accident] [collision], that the defendant knew or reasonably should have known that the vehicle was involved in the [accident] [collision] resulting in [injury] [death] to any person, that defendant removed the vehicle to [call for a law enforcement officer] [call for medical assistance] [call for medical treatment] [remove defendant or others from significant risk of injury], and that defendant willfully failed to return with the vehicle to the accident scene within a reasonable period of time (without justification or excuse), 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.