

LEAVING SCENE AFTER ACCIDENT RESULTING IN [DAMAGE TO PROPERTY] [INJURY OR DEATH TO PERSON OF WHICH THE PASSENGER WAS UNAWARE] - PASSENGER. FELONY. G.S. 20-166.2(a).

The defendant has been charged with leaving the scene of an [accident] [collision] resulting in [damage to property] [injury or death to any person about which the defendant did not know or have reason to know].

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

First, that the defendant was the passenger of a vehicle that was involved in an [accident] [collision] resulting in [damage to property] [injury or death to any person about which the defendant did not know or have reason to know].

Second, that the defendant knew or reasonably should have known that the vehicle was involved in an [accident] [collision].

Third, that the [accident] [collision] resulted in [damage to property] [injury or death to any person about which the defendant did not know or have reason to know].

Fourth, that defendant willfully left the scene of the accident by acting as the driver of a vehicle involved in

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(Continued).

the accident (without justification or excuse).<sup>1</sup>

And Fifth, that a law enforcement officer had not [completed the investigation of the accident] [authorized the defendant to leave the scene of the accident].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant was the passenger 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 an [accident] [collision] resulting in [damage to property] [injury or death to any person about which the defendant did not know or have reason to know], and that the defendant willfully left the scene of the accident before a law enforcement officer had [completed the investigation of the accident] [authorized the passenger to leave the scene of the accident], 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.

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<sup>1</sup>It would be a defense that defendant left the scene because remaining at the scene placed the defendant or others at significant risk of injury.