
305.10 VOLUNTARY INTOXICATION, LIQUOR OR DRUGS—IN GENERAL.

You may find there is evidence which tends to show that the defendant was [intoxicated] [drugged] at the time of the acts alleged in this case. Generally, [voluntary intoxication] [a voluntary drugged condition] is not a legal excuse for crime.

However, if you find that the defendant was [intoxicated] [drugged], you should consider whether this condition affected the defendant's ability to formulate the specific intent which is required for conviction of (*name crime*). In order for you to find the defendant guilty of (*name crime*), you must find beyond a reasonable doubt that the defendant had the specific intent required to commit this crime.¹ If, as a result of [intoxication] [a drugged condition], the defendant did not have the required specific intent, you must find the defendant not guilty of (*name crime*).

(The law does not require any specific intent for the defendant to be guilty of the crime(s) of (*name lesser included offense(s) not requiring specific intent*). Thus, the defendant's [intoxication] [drugged condition] can have no bearing upon your determination of the defendant's guilt or innocence of [this] [these] crime(s).)^{2 3}

Therefore, upon considering the evidence with respect to the defendant's [intoxication] [drugged condition], you have a reasonable doubt as to whether the defendant formulated the specific intent required for conviction of (*name crime*), you will not return a verdict of guilty of (*name crime*).

1. For example: "In order for you to find the defendant guilty of the crime of assault with intent to commit rape, you must find, beyond a reasonable doubt, that the defendant had the specific intent to have sexual relations with the victim notwithstanding any resistance she might offer."

2. These parenthetical sentences are to be used only when instructions as to such lesser included offense(s) are given elsewhere.

3. See *State v. Meader*, 838 S.E.2d 643 (N.C. Ct. App. 2020).