

## **June 2022 Supplement to North Carolina Pattern Jury Instructions for Criminal Cases**

This supplement contains a new table of contents for the criminal instructions, a number of new or replacement instructions for criminal cases, and a new criminal index. Place the instructions in the book in the proper numerical sequence. Old instructions with the same number should be discarded. The supplement contains three copies of the table of contents so that each criminal volume will include a complete table of contents; they are inserted in the supplement at the appropriate places for Volumes II and III.

**Interim Instructions.** As the Pattern Jury Instructions Committee considers new or updated instructions, it posts Interim Instructions that are too important to wait until the annual summer distribution of hard copy supplements to the School of Government website at [sog.unc.edu/programs/ncpi](http://sog.unc.edu/programs/ncpi). You may check the site periodically for these instructions or join the Pattern Jury Interim Instructions Listserv to receive notification when instructions are posted to the website.

The following instructions are included in this supplement. An asterisk (\*) denotes a new instruction. All others are replacements for existing instructions.

- \*100.40 Alternate Juror(s) Substituted—Instructions to Jury to Begin Deliberations Anew.
- 101.35 Concluding Instructions—Jury Consider All Evidence, Judge Not Express Opinion, Unanimous Verdict, Selection of Foreperson.
- 150.10 Death Penalty—Instructions to Jury at Separate Sentence Proceeding.
- 150.10A(App) Death Penalty—Issues and Recommendation as to Punishment.
- 204.25 Aggravating Factors Instruction.
- 206.10 First Degree Murder Where a Deadly Weapon Is Used, Covering All Lesser Included Homicide Offenses and Self-Defense. Felony.
- 206.11 First Degree Murder Where No Deadly Weapon Is Used, Covering All Lesser Included Homicide Offenses and Self-Defense. Felony.
- 206.17 Solicitation to Commit Murder. Felony.
- 206.22 First Degree Murder Involving Domestic Violence, Covering All Lesser Included Homicide Offenses and Self Defense. Felony.
- 206.30 Second Degree Murder Where a Deadly Weapon Is Used, Covering All Lesser Included Homicide Offenses and Self-Defense. Felony.
- 206.31 Second Degree Murder Where No Deadly Weapon Is Used, Covering All Lesser Included Homicide Offenses and Self-Defense. Felony.
- 206.40 Voluntary Manslaughter Including Self-Defense (In the Heat of Passion or Imperfect Self-Defense), Also Including Involuntary Manslaughter. Felony.
- 206.55A Involuntary Manslaughter—(Impaired Driving). Felony.
- 206.57A Felony Death by Vehicle. Felony.

- 206.57B Aggravated Felony Death by Vehicle. Felony.
- 206.57C Serious Injury by Vehicle. Felony.
- 206.57D Aggravated Serious Injury by Vehicle. Felony.
- 207.75 Willfully Failing to Comply with Sex Offender Registration Law. Felony.
- 207.76 Failure to Comply with Sex Offender Residential Restrictions. Felony.
- 208.04 Threatening to Kill or Inflict Serious Bodily Injury Upon a(n) [Legislative] [Executive] [Court] Officer. Felony.
- 208.04A Mailing a Threat to Kill or Inflict Serious Bodily Injury Upon a(n) [Legislative] [Executive] [Court] Officer. Felony.
- 208.04B Threatening to Kill or Inflict Serious Bodily Injury Upon a Person as Retaliation against a [Legislative] [Executive] [Court] Officer. Felony.
- 208.04C Mailing a Threat to Kill or Inflict Serious Bodily Injury Upon a Person as Retaliation Against a [Legislative] [Executive] [Court] Officer. Felony.
- 214.40 Breaking or Entering into Motor Vehicle. Felony.
- \*214.46 Breaking or Entering into Certain Law Enforcement Vehicles. Felony.
- 216.37 Felonious Larceny—Larceny of Motor Vehicle Parts Where the Cost of Repairing the Vehicle is \$1,000 or More or a Catalytic Converter. Felony.
- \*216.38 Larceny of Law Enforcement Equipment Worth More than \$1,000 from Certain Law Enforcement Vehicles. Felony.
- \*216.39 Larceny of Law Enforcement Equipment from Certain Law Enforcement Vehicles Worth Less Than \$1,000. Felony.
- 217.10 Common Law Robbery. Felony.
- 217.20 Robbery with a Firearm. Felony.
- 217.30 Robbery with a Dangerous Weapon—Other Than a Firearm Covering Common Law Robbery as a Lesser Included Offense. Felony.
- \*219B.65 [Possessing] [Selling] [Delivering] a Skimming Device. Felony.
- 223.20 [Alteration] [Destruction] [Removal] of Permanent Identification Marks from Personal Property. Misdemeanor.
- \*223.20A [Alteration] [Destruction] [Removal] of Permanent Identification Marks from Personal Property Worth More Than \$1,000. Felony.
- 223.21 [Buying] [Selling] [Possessing] Item of Personal Property on Which the Permanent Identification Mark has been [Altered] [Destroyed] Defaced] [Removed]. Misdemeanor.
- \*223.21A [Buying] [Selling] [Possessing] Item of Personal Property Worth More Than \$1,000 on Which the Permanent Identification Mark Has Been [Altered] [Destroyed] [Defaced] [Removed]. Felony.
- 230.30 Resisting, Delaying, or Obstructing a Public Officer—All Situations Other Than Arrest. Misdemeanor.
- 230.32 Resisting, Delaying, or Obstructing an Officer—Excessive Force by the Officer. Misdemeanor.

- \*230.34 Resisting, Delaying, or Obstructing a Public Officer—Serious Bodily Injury. Felony.
- \*230.36 Resisting, Delaying, or Obstructing a Public Officer—Serious Injury. Felony.
- 230.65 Intimidating or Interfering with Witness. Felony. (Delete Sheet).
- \*230.66 Intimidating a Witness. Felony.
- \*230.67 Interfering with a Witness. Felony.
- \*254A.19 Purchase or Possession, or Attempted Purchase or Possession of Firearms by Person Subject to Domestic Violence Protective Order. Felony.
- 270.20A Impaired Driving. Misdemeanor.
- 270.21A Impaired Driving in a Commercial Vehicle. Misdemeanor.
- 270.25A Habitual Impaired Driving—Including Chemical Test. Felony.
- 270A.10 Infliction of Serious Bodily Injury by Operation of Aircraft While Impaired (Flying High). Felony.
- 270A.15 Operation of Aircraft While Impaired (Flying High). Felony.
- 270A.25 Operating Vessel While Under the Influence of an Impairing Substance. Misdemeanor.
- 270A.27A Manipulating [Water Skis] [a Surfboard] [Nonmotorized Vessel] [Similar Device] While Under the Influence of an Impairing Substance. Misdemeanor.
- 270A.27B [Death] [Serious Injury] by Impaired Boating. Felony.
- 270A.27C Aggravated [Death] [Serious Injury] by Impaired Boating. Felony.
- 270A.27D Repeat Death by Impaired Boating., Felony.
- 308.10 Self-Defense, Retreat—Including Homicide (to be Used Following the Self-Defense Instructions Where Retreat is in Issue).
- 308.40 Self-Defense—Assaults Not Involving Deadly Force.
- 308.45 Self-Defense—All Assaults Involving Deadly Force.
- 308.45A Self-Defense Example with 208.10—All Assaults Involving Deadly Force.
- 308.47 Assault in Lawful Defense of a [Family Member] [Third Person]—(Defense to Assaults Not Involving Deadly Force).
- 308.50 Assault in Lawful Defense of a [Family Member] [Third Person]—(Defense to All Assaults Involving Deadly Force).
- 308.60 Killing in Lawful Defense of a [Family Member] [Third Person]—(Defense to Homicide).
- 308.70 Self-Defense to Sexual Assault—Homicide.
- 308.80 Defense of [Habitation] [Workplace] [Motor Vehicle]—Homicide and Assault.
- \*308.90 Justification for Defensive Force Not Available—Defendant Attempting to Commit, Committing, or Escaping After the Commission of a Felony.
- 310.10 Compulsion, Duress, or Coercion.
- 310.12 Necessity.
- \*310.14 Justification.

