

COMPULSION, DURESS, OR COERCION.¹

There is evidence in this case tending to show that the defendant acted only because of [compulsion] [duress] [coercion]. The burden of proving [compulsion] [duress] [coercion] is upon the defendant.² It need not be proved beyond a reasonable doubt, but only to your satisfaction. The defendant would not be guilty of this crime if his actions were caused by a reasonable fear that he (or another) would suffer immediate death or serious bodily injury if he did not commit the crime. His assertion of [compulsion] [duress] [coercion] is a denial that he committed any crime. The burden remains on the State to prove the defendant's guilt beyond a reasonable doubt.³

¹The defense of duress is not available to a defendant charged with murder. *State v. Strickland*, 307 N.C. 274, 295 (1983), overruled on other grounds by *State v. Johnson*, 317 N.C. 193 (1986); *State v. Brock*, 305 N.C. 532 (1982), disapproved of by *State v. Taylor*, 337 N.C. 597 (1994).

²*State v. Strickland*, 307 N.C. at 297 (1983).

³*State v. Sherian*, 234 N.C. 30 (1951).

