

N.C.P.I.-Crim. 101.30
EFFECT OF THE DEFENDANT'S DECISION NOT TO TESTIFY.
GENERAL CRIMINAL VOLUME
MAY 2005
N.C. Gen. Stat. § 8-54

101.30 EFFECT OF THE DEFENDANT'S DECISION NOT TO TESTIFY.

The defendant in this case has not testified. The law gives the defendant this privilege. This same law also assures the defendant that this decision not to testify creates no presumption against the defendant.

Therefore, the silence of the defendant is not to influence your decision in any way.¹

1. Absent a request, it is discretionary with the trial judge whether he gives this instruction. *State v. Powell*, 11 N.C. App. 465 (1971).