

201.10 GENERAL ATTEMPT CHARGE.

NOTE WELL: Unless the statute provides otherwise, the punishment is one class lower than the offense being attempted.

The defendant has been charged with attempted (*name crime*).

For you to find the defendant guilty of attempted (*name crime*), the State must prove two things beyond a reasonable doubt:

First, that the defendant intended to commit (*name crime*). (*Name crime*) is (*describe elements of the crime*).

And Second, that at the time the defendant had this intent, the defendant performed an act which was calculated and designed to bring about (*name crime*) [but which fell short of the completed offense¹] [and which in the ordinary and likely course of things the defendant would have completed that crime had the defendant not been stopped or prevented from completing the defendant's apparent course of action]. (Mere preparation or mere planning is not enough to constitute such an attempt. But the act need not be the last act required to complete the crime.)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant intended to commit (*name crime*) and performed [an act] [acts] which [was] [were] designed to bring this about [but which fell short of the completed offense] [and which in the ordinary and likely course of things the defendant would have completed that crime had the defendant not been stopped or prevented from completing the defendant's apparent course of action], it would be your duty to return a verdict of guilty of attempted (*name crime*). If you do not so find or have a reasonable doubt as to one or more of these things, it

N.C.P.I.-Crim. 201.10
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JUNE 2011
N.C. Gen. Stat. § 14-2.5

would be your duty to return a verdict of not guilty.

1. See *State v. Collins*, 334 N.C. 54 (1993) for attempted murder.