

N.C.P.I.-Crim. 204A.20  
SOLICITATION OF PARTICIPATION IN CRIMINAL STREET GANG ACTIVITY.  
FELONY.  
GENERAL CRIMINAL VOLUME  
REPLACEMENT JUNE 2018  
N.C. Gen. Stat. G.S. 14-50.17  
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204A.20 SOLICITATION OF PARTICIPATION IN CRIMINAL STREET GANG  
ACTIVITY. FELONY.

*NOTE WELL: Use this instruction for offenses occurring  
before December 1, 2017. For offenses occurring on or  
after December 1, 2017, use N.C.P.I.-Crim 204A.20A.*

The defendant has been charged with [causing] [encouraging]  
[soliciting] [coercing] a person 16 years of age (or older) to participate  
in criminal street gang activity.

For you to find the defendant guilty of this offense, the State must  
prove three things beyond a reasonable doubt:

First, that the defendant [caused] [encouraged] [solicited]  
[coerced] (*name individual*) to participate in criminal street gang activity  
by committing the offense of (*name crime*). (*Define crime.*)<sup>1</sup>

Second, that the defendant had the specific intent that the (*name  
crime*) was committed in furtherance of the defendant's involvement in a  
criminal street gang.

A criminal street gang is defined as any ongoing organization,  
association, or group of three or more persons, whether formal or  
informal that has as one of its primary activities the commission of one  
or more felony offenses, or delinquent acts that would be felonies if  
committed by an adult; (and) has three or more members individually or  
collectively engaged in, or who have engaged in, criminal street gang  
activity; (and may have a common name, common identifying sign or  
symbol).

And Third, that (*name individual*) who was [caused] [encouraged]  
[solicited] [coerced] was 16 years of age (or older) when the defendant  
[caused] [encouraged] [solicited] [coerced] (*name individual*) to  
participate in criminal street gang activity.

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If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [caused] [encouraged] [solicited] [coerced] (*name individual*), who was 16 years of age (or older) at the time, to participate in criminal street gang activity by committing (*name crime*), and that the defendant had the specific intent that (*name crime*) was committed in furtherance of the defendant's involvement in a criminal street gang, it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

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<sup>1</sup> See G.S. 14-50.16(c). An act or acts are included if accompanied by the necessary mens rea or criminal intent and would be chargeable by indictment under the following laws of this State: (1) any offense under Article 5 of Chapter 90 of the General Statutes (Controlled Substances Act). (2) any offense under Chapter 14 of the General Statutes except Articles 9, 22A, 40, 46, 47, 59 thereof; and further excepting G.S. 14-78.1, 14-190.9, 14-195, 14-197, 14-201, 14-247, 14-248, 14-313 thereof.