

N.C.P.I.-Crim. 204A.25A
SOLICITATION OF PARTICIPATION BY A MINOR IN CRIMINAL GANG
ACTIVITY. FELONY.
GENERAL CRIMINAL VOLUME
REPLACEMENT JUNE 2018
N.C. Gen. Stat. § 14-50.18

204A.25A SOLICITATION OF PARTICIPATION BY A MINOR IN CRIMINAL
GANG ACTIVITY. FELONY.

*NOTE WELL: Use this instruction for offenses occurring
on or after December 1, 2017. For offenses occurring
before December 1, 2017, use N.C.P.I.-Crim. 204A.25.*

The defendant has been charged with [causing] [encouraging]
[soliciting] [coercing] a person under 16 years of age to participate in
criminal 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 gang activity by committing
the offense of (*name crime*). (*Define crime.*)¹

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

A criminal 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 criminal or delinquent
acts and shares a common name, identification, signs, symbols, tattoos,
graffiti, attire, or other distinguishing characteristics, including common
activities, customs, or behaviors. This term shall not include three or
more persons associated in fact, whether formal or informal, who are not
engaged in criminal gang activity.²

And Third, that (*name individual*) who was [caused] [encouraged]
[solicited] [coerced] was under 16 years of age when the defendant
[caused] [encouraged] [solicited] [coerced] (*name individual*) to
participate in criminal gang activity. Criminal gang activity is defined as

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the commission of, attempted commission of, or solicitation, coercion, or intimidation of another person to commit (name offense and describe the elements of the offense) and either of the following conditions is met: the offense is committed with the intent to benefit, promote, or further the interests of a criminal gang for the purpose of increasing a person's own standing or position within a criminal gang or the participants in the offense are identified as criminal gang members acting individually or collectively to further any criminal purpose of a criminal gang.

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 under 16 years of age to participate at the time, in criminal 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 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.

¹ For a definition of "criminal gang activity," see N.C. Gen. Stat. § 14-50.16A(2). For offenses that qualify as criminal gang activity, see Article 5 of Chapter 90 of the General Statutes or Chapter 14 of the General Statutes except Article 9, 22A, 40, 46, or 59 and G.S. 14-82, 14-145, 14-183, 14-184, 14-186, 14-190.9, 14-247, 14-248, or 14-313.

² For a definition of "criminal gang activity," see N.C. Gen. Stat. § 14-50.16A(2). For offenses that qualify as criminal gang activity, see Article 5 of Chapter 90 of the General Statutes or Chapter 14 of the General Statutes except Article 9, 22A, 40, 46, or 59 and G.S. 14-82, 14-145, 14-183, 14-184, 14-186, 14-190.9, 14-247, 14-248, or 14-313.