

206.18 CONSPIRACY TO COMMIT MURDER. FELONY.

The defendant has been charged with conspiracy to commit murder.

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

First, that the defendant and at least one other person entered into an agreement.¹

Second, that the agreement was to commit murder. Murder is the unlawful killing of another with malice.

And Third, that the defendant and at least one other person intended that the agreement be carried out at the time it was made. (The State is not required to prove that the murder was committed.²)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant conspired with another to commit murder, and that the defendant and at least one other person intended at that time that the murder be committed, then 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. An agreement may be oral, written, or established by certain acts.

2. *S. v. Furr*, 292 N.C. 711 (1977).