

206.63 MURDER OF UNBORN CHILD - WILLFUL AND MALICIOUS ACT.
FELONY.

The defendant has been charged with the intentional murder of an unborn child¹ by a willful and malicious act.

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 the death of an unborn child.²

Second, that the defendant's act was intentional, willful, and malicious.

Third, that the defendant's act was done with the intent to cause the death of an unborn child.-

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant committed an intentional act willfully and maliciously, and that act caused the death of an unborn child 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 guilty.

1 See N.C. Gen. Stat. § 14-23.7 for exceptions from prosecution for this offense.

2 An unborn child means a member of the species homo sapiens at any stage of development, who is carried in the womb.