

N.C.P.I.-Crim. 207.15A
STATUTORY RAPE OF A CHILD BY AN ADULT. (OFFENSES ON OR AFTER
DEC. 1, 2015) FELONY.
GENERAL CRIMINAL VOLUME
JUNE 2016
N.C. Gen. Stat. § 14-27.23

207.15A STATUTORY RAPE OF A CHILD BY AN ADULT. (OFFENSES ON OR
AFTER DEC. 1, 2015) FELONY.

*NOTE WELL: This instruction is valid for offenses
committed on or after December 1, 2015. For offenses
committed before December 1, 2015, use N.C.P.I.-
Crim. 207.15.*

The defendant has been charged with statutory rape of a child by
an adult.

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

First, that the defendant engaged in vaginal intercourse with the
victim. Vaginal intercourse is penetration, however slight, of the female
sex organ by the male sex organ. (The actual emission of semen is not
necessary.)

Second, that at the time of the acts alleged, the alleged victim
was a child under the age of thirteen years.¹

And Third, that at the time of the acts alleged, the defendant was
at least eighteen years of age.

If you find from the evidence beyond reasonable a doubt that on or
about the alleged date, the defendant engaged in vaginal intercourse
with the alleged victim and that at that time the alleged victim was a
child under the age of thirteen years and that the defendant was at
least eighteen years of age, 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.²

N.C.P.I.-Crim. 207.15A
STATUTORY RAPE OF A CHILD BY AN ADULT. (OFFENSES ON OR AFTER
DEC. 1, 2015) FELONY.
GENERAL CRIMINAL VOLUME
JUNE 2016
N.C. Gen. Stat. § 14-27.23

1 A child would be under the age of thirteen if she had not yet reached her thirteenth birthday. *In re Robinson*, 120 N.C. App. 874 (1995).

2 N.C. Gen. Stat. § 14-27.23 provides that N.C. Gen. Stat. § 14-27.24 is a lesser included offense. Caution should be used in considering whether a lesser included offense instruction is warranted. For example, N.C. Gen. Stat. § 14-27.24 differs from this offense in that the State need not prove that the defendant is 18 or older. If there are lesser included offenses, change the last phrase to ". . . you would not return a verdict of guilty of rape of a child."