

N.C.P.I.-Crim. 207.15A.1A
ATTEMPTED FIRST DEGREE STATUTORY RAPE-ALLEGED VICTIM UNDER
THE AGE OF THIRTEEN YEARS. (OFFENSES ON OR AFTER DEC 1, 2015)
FELONY.
GENERAL CRIMINAL VOLUME
JUNE 2016
N.C. Gen. Stat. §§ 14-27.24(a)(1), 14-27.34

207.15A.1A ATTEMPTED FIRST DEGREE STATUTORY RAPE - ALLEGED
VICTIM UNDER THE AGE OF THIRTEEN YEARS. (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. 207.15A.1.*

The defendant has been charged with attempted first degree
statutory rape.

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

First, that the defendant intended to engage in vaginal intercourse
with the alleged 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

Third, that at the time of the acts, the defendant was at least
twelve years old and was at least four years older than the alleged
victim.

And Fourth, that the defendant performed an act that was
calculated and designed to accomplish vaginal intercourse with the
alleged victim and such conduct came so close to bringing about the
vaginal intercourse that in the ordinary course of events the defendant
would have completed the act with the alleged victim had the defendant
not been stopped or prevented.

(Mere preparation or planning is not enough to constitute such an
act. But the act need not necessarily be the last act required to

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complete the offense.)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intended to engage 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 twelve years old and was at least four years older than the alleged victim, and that the defendant performed [an act] [acts] which in the ordinary course of events would have resulted in vaginal intercourse by defendant with the alleged victim had not the defendant been stopped or prevented from completing his apparent course of action, 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 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).