

208.79 MISDEMEANOR CRIME OF DOMESTIC VIOLENCE. MISDEMEANOR.

The defendant has been charged with misdemeanor crime of domestic violence.

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

First, that the defendant [[used] [attempted to use] physical force]] [[threatened the use of a deadly weapon]] against another person. [(Name object) is a deadly weapon.] [A deadly weapon is a weapon which is likely to cause death or serious bodily injury].<sup>1</sup>

And Second, that the defendant was [[a current or former [spouse] [parent] [guardian of the victim]] [a person with whom the victim shares a child in common] [[a person who [is cohabitating with] [has cohabitated with] the victim as a [spouse] [parent] [guardian]] [[a person similarly situated to a [spouse] [parent] [guardian of the victim]] [[a person who has a [current] [recent former] dating relationship<sup>2</sup> with the victim]].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [[used] [attempted to use] physical force]] [[threatened the use of a deadly weapon]] against another person and that the defendant was [[a current or former [spouse] [parent] [guardian of the victim]] [a person with whom the victim shares a child in common] [[a person who [is cohabitating with] [has cohabitated with] the victim as a [spouse] [parent] [guardian]] [[a person similarly situated to a [spouse] [parent] [guardian of the victim]] [[a person who has a [current] [recent former] dating relationship with the victim]], 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 both of these things, it would be your duty to return a verdict of not guilty.

N.C.P.I.—Crim. 208.79  
MISDEMEANOR CRIME OF DOMESTIC VIOLENCE. MISDEMEANOR.  
GENERAL CRIMINAL VOLUME  
MAY 2024  
N.C. Gen. Stat. § 14-32.5  
-----  
\_\_\_\_\_

1. Use appropriate bracketed statement. In determining whether (*name object*) was a deadly weapon, you should consider the nature of (*name object*), the manner in which it was used, and the size and strength of the defendant as compared to the victim. In the event that there is a dispute as to which weapon was used and one of the weapons is non-deadly as a matter of law, *e.g.*, a real pistol and a toy pistol, state what would not be a deadly weapon.

2. For a definition of “dating relationship” see 18 U.S.C. § 921(a)(37).