

N.C.P.I.—Crim 210.95
UNLAWFUL [ADVERTISING] [RECRUITING] [SOLICITING] [AIDING]
[ABETTING] [[CONSPIRING] [ASSISTING] IN] THE UNLAWFUL
TRANSFER OF CUSTODY OF A MINOR CHILD RESULTING IN SERIOUS
PHYSICAL INJURY TO THE CHILD. FELONY.

JUNE 2017

N.C. Gen. Stat. § 14-321.2(a)(3)

210.95 UNLAWFUL [ADVERTISING] [RECRUITING] [SOLICITING]
[AIDING] [ABETTING] [[CONSPIRING] [ASSISTING] IN] THE
UNLAWFUL TRANSFER OF CUSTODY OF A MINOR CHILD RESULTING
IN SERIOUS PHYSICAL INJURY TO THE CHILD. FELONY.

Note Well: This instruction is effective for offenses committed on or after December 1, 2016.

The defendant has been charged with [advertising] [recruiting] [soliciting] [aiding] [abetting] [[conspiring] [assisting] in] the unlawful transfer of custody of a minor child.

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

First, that defendant [advertised] [recruited] [solicited¹] [aided] [abetted²] [conspired³] [assisted by (*describe method of assistance*)] *in*] the unlawful transfer of custody⁴ of a minor child⁵. The unlawful transfer of custody means the transfer of physical custody of a minor child, in willful violation of applicable adoption law or by grossly negligent omission in the care of the child, by the child's parent, without a court order or other authorization under law to a person other than a relative⁶ or another individual having a substantial relationship with the child.

Second, that the unlawful transfer of custody of the minor child resulted in serious physical injury⁷ (*describe injury, e.g., the unlawful transfer of custody of the minor child results in molestation*) to the minor child.⁸

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And Third, that defendant did so knowingly.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant knowingly [advertised] [recruited] [solicited] [aided] [abetted] [[conspired] [assisted by (*describe method of assistance*)] in] the unlawful transfer of custody of a minor child, and resulted in serious physical injury to the minor child, it would be your duty to return a verdict of guilty. If you do not so find or if you 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 For further instruction on soliciting, see N.C.P.I. 201.20.

2 For further instruction on aiding and abetting, see N.C.P.I. 202.20.

3 For further instruction on conspiracy, see N.C.P.I. 202.80.

4 See N.C. Gen. Stat. § 14-321.2(b)(4).

5 "Minor child" means a child under the age of 18 and includes an adopted minor child, as defined in N.C. Gen. Stat. § 48-1-101(14a).

6 "Relative" means the child's other parent, stepparent, grandparent, adult sibling, aunt, uncle, first cousin, great aunt, great uncle, great-grandparent, or a parent's first cousin. See N.C. Gen. Stat. § 14-321.2(b)(3).

7 "Serious physical injury" means physical injury that causes great pain and suffering. The term includes serious mental injury. See N.C. Gen. Stat. § 14-318.4(d)(2).

8 See N.C. Gen. Stat. § 14-321.2(d).