

N.C.P.I.-Crim. 211.50
CONCEALING BIRTH OF A CHILD. FELONY.
GENERAL CRIMINAL VOLUME
REPLACEMENT MAY 2002
G.S. 14-46.

211.50 CONCEALING BIRTH OF A CHILD. FELONY. G.S. 14-46.

The defendant has been charged with concealing the birth of a child.¹

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

First, that the defendant [secretly buried] [secretly disposed of] the body of a newborn child.²

Second, that this newborn child was dead at the time the defendant [secretly buried] [secretly disposed of] it.

And Third, that the purpose of the defendant in [secretly burying] [secretly disposing of] the dead body was to conceal the birth of the child.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [secretly buried] [secretly disposed of] the dead body of a newborn child, for the purpose of concealing the birth of the 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 not guilty.

¹This crime is a felony, but aiding and abetting the commission of this crime is a misdemeanor, G.S. 14-46. When a defendant is accused of aiding and abetting another in concealing the birth of a child, use N.C.P.I.--Crim. 202.20 or 202.30.

²It is uncertain whether the term "birth of a newborn child" contemplates only a live birth or whether it also contemplates a still birth. Under a somewhat dissimilar statute, the North Carolina Supreme Court held that only live births were contemplated and that it was only an affirmative defense that the child was stillborn. See *S. v. Joiner*, 11 N.C. 350 (1826).

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