

212.10 COMMUNICATING LIBELOUS MATTER TO NEWSPAPERS.¹
MISDEMEANOR.

The defendant has been charged with communicating false and libelous matter to a newspaper.

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

First, that the defendant (*describe means of transmission*) (*name newspaper person*) that (*state libelous statement*).

Second, that (*name newspaper person*) was a(n) [manager] [editor] [publisher] [reporter] of (*name [newspaper] [periodical]*).

Third, that the defendant so informed (*name newspaper person*) for the purpose of having that information published in (*name [newspaper] [periodical]*).

Fourth, that (*name [newspaper] [periodical]*) published the information.

Fifth, that (*state libelous statement*) was libelous of the victim; that is, was of such a nature as to defame the reputation of the victim.

Sixth, that this information was false.

And Seventh, that the defendant knew or believed that the information was false or that he was recklessly indifferent as to whether it was true or false.²

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant informed (*name newspaper*

N.C.P.I.-Crim. 212.10
COMMUNICATING LIBELOUS MATTER TO NEWSPAPERS. MISDEMEANOR.
GENERAL CRIMINAL VOLUME
MAY 2002
N.C. Gen. Stat. § 14-47

person), who was a(n) [manager] [editor] [publisher] [reporter] of (*name [newspaper] [periodical]*) that (*describe libelous statement*) for the purpose of having this information published, and that it was published by (*name newspaper*), and that (*describe libelous statement*) was false and libelous and was given by the defendant to (*name newspaper person*) with knowledge of or belief in its falsity or with reckless disregard as to its truth or falsity, 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. This statute also applies to periodicals.

2. Where the victim is a "public figure" or where the event being reported is of "public concern," the jury should be instructed that "recklessly indifferent means that the defendant knew he had no basis for determining whether the statement was true or false."