

222.31 AGGRAVATED DOMESTIC CRIMINAL TRESPASS. FELONY.

The defendant has been charged with aggravated domestic criminal trespass.

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

First, that the defendant [entered] [remained] on the premises of property operated as a [safe house] [haven] for victims of domestic violence.

Second, that the defendant did so without authorization.

Third, that the defendant had been notified not to [enter] [remain there] by [the owner] [a person in charge of the premises] [a lawful occupant] [an authorized person].

Fourth, that the premises were occupied by a [[present] [former] spouse of the defendant] [person with whom the defendant had lived as if married] that was at that time living apart from the defendant.¹

And Fifth, that the defendant was armed with a deadly weapon at the time.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant, armed with a deadly weapon, [entered] [remained] on the premises of property operated as a [safe house] [haven] for victims of domestic violence, that the defendant had been notified not to [enter] [remain there] by [the owner] [a person in charge of the premises] [a lawful occupant] [an authorized person], and that the premises were occupied by a [[present] [former] spouse of the defendant] [person with whom the defendant lived as if married] that was at that time living apart from the defendant, 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

N.C.P.I.—Crim. 222.31
AGGRAVATED DOMESTIC CRIMINAL TRESPASS. FELONY.
GENERAL CRIMINAL VOLUME
REPLACEMENT MAY 2003
N.C. Gen. Stat. § 14-34(b)

or more of these things, it would be your duty to return a verdict of not guilty.

1 G.S. 14-134.3 provides that "evidence that the parties are living apart shall include but is not necessarily limited to: (1) a judicial order of separation; (2) a court order directing the person charged to stay away from the premises occupied by the complainant; (3) an agreement, whether verbal or written, between the complainant and the person charged that they shall live separate and apart; or (4) separate places of residence for the complainant and the person charged."