

226.56 USING THREATENING LANGUAGE BY WAY OF TELEPHONE.¹
MISDEMEANOR.

The defendant has been charged with using threatening language by way of telephone.

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

First, that the defendant communicated to the victim by way of telephone.

Second, that while so communicating, he threatened to [inflict bodily harm to any person] [inflict bodily harm to the victim's child, sibling, spouse, or dependent] [inflict physical injury to the property of any person] [extort money or other things of value from any person].

And Third, that he acted willfully, that is intentionally.² If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant willfully threatened to [inflict bodily harm to any person] [inflict bodily harm to the victim's child, sibling, spouse, or dependent] [inflict physical injury to the property of any person] [extort money or other things of value from any person] while communicating with the victim by way of telephone, 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. G.S. 14-196 (a)(2) also applies to telephone answering machines or recorders or telefacsimile machines.

2. If a definition of intent is needed see N.C.P.I.—Crim. 120.10. "Acting 'willfully' means acting 'voluntarily, intentionally, purposefully and deliberately,' indicating a purpose to do it without authority, and in violation of law," *S. v. Whittle*, 118 N.C. App. 130, 132 (1995).