

226.60 CYBERSTALKING—THREATENING LANGUAGE. MISDEMEANOR.

The defendant has been charged with cyberstalking.

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 [electronic mail]¹ [electronic communication].²

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

And Third, that the defendant acted willfully, that is intentionally.³

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 the victim] [inflict bodily harm to the victim's child, sibling, spouse, or dependent] [inflict physical injury to the property of the victim] [extort money or other things of value from the victim] while communicating to the victim by way of [electronic mail] [electronic communication], 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. "Electronic mail" is defined as the transmission of information or communication by the use of the Internet, a computer, a facsimile machine, a pager, a cellular telephone, a video recorder, or other electronic means sent to a person identified by a unique address or address number and received by that person.

2. "Electronic communication" is defined as any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature, transmitted in whole or in part by a wire, radio, computer, electromagnetic, photoelectric, or photo-optical system.

3. 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).