

## 226.60A CYBERSTALKING—HARASSMENT. MISDEMEANOR.

The defendant has been charged with cyberstalking.

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

First, that the defendant communicated to the victim by way of [electronic mail]<sup>1</sup> [electronic communication].<sup>2</sup>

Second, that the defendant did so repeatedly, whether or not a conversation ensued.

Third, that the defendant communicated to the victim for the purpose of [abusing] [annoying] [threatening] [terrifying] [harassing] [embarrassing] any person.

And Fourth, that the defendant acted willfully, that is intentionally.<sup>3</sup>

If you find from the evidence beyond a reasonable doubt that on or about the alleged date(s), the defendant willfully communicated with the victim repeatedly by way of [electronic mail] [electronic communication] for the purpose of [abusing] [annoying] [threatening] [terrifying] [harassing] [embarrassing] any person, 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).