

N.C.P.I.-Crim. 226.66  
CYBER-BULLYING WITH INTENT TO [INTIMIDATE] [TORMENT] [A MINOR]  
[A MINOR'S [PARENT] OR [GUARDIAN]]. MISDEMEANOR.  
GENERAL CRIMINAL VOLUME  
JUNE 2010  
N.C. Gen. Stat. § 14-458.1(a)(2)  
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226.66 CYBER-BULLYING WITH INTENT TO [INTIMIDATE] [TORMENT] [A MINOR] [A MINOR'S [PARENT] OR [GUARDIAN]]. MISDEMEANOR.

The defendant has been charged with cyber-bullying with intent to [intimidate] [torment] [a minor<sup>1</sup>] [a minor's parent or guardian].

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

First, that the defendant used a [computer] [computer network].

Second, that while using the [computer] [computer network], the defendant:

[posted a real or doctored image of the minor on the internet]

[[accessed] [altered] [erased] any computer [network] [data] [program] [software]]

[[broke into] [accessed] a password protected account]

[stole a password]

[used the computer for [repeated] [continuing] [sustained] electronic mail or other communications<sup>2</sup> to the minor].

(And) Third, that the defendant acted with the intent<sup>3</sup> to [intimidate] [torment] [the minor] [the minor's [parent] [guardian]].

*NOTE WELL: If defendant is 18 years of age or older at the time the alleged offense was committed, use the following:*

((And) Fourth, that the defendant was 18 years of age or older at

the time the alleged offense was committed.<sup>4)</sup>

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant used a [computer] [computer network] to [post a real or doctored image of the minor on the internet] [[accessed] [altered] [erased] any computer [network] [data] [program] [software]] [[broke into] [accessed] a password protected account] [stole a password] [used the computer for [repeated] [continuing] [sustained] electronic mail or other communications with the intent to [intimidate] [torment] [the minor] [the minor's [parent] [guardian]], (and the defendant was 18 years of age or older), 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.

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1. Minor means an individual who is less than 18 years old and is not married or judicially emancipated.

2. Electronic communications means electronic mail or other transmissions.

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).

4. The penalty for this offense is higher if the defendant is 18 years old or older.