

229.05 BRIBERY OF OFFICIALS. FELONY.

The defendant has been accused of [receiving] [consenting to receive] a bribe for [performing] [omitting to perform] an official act.<sup>1</sup>

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

First, that the defendant held an office under the laws of this State. (*Name office*) is an office under the laws of this State.

Second, that the defendant (either directly or indirectly) [received] [agreed to receive] anything of [value] [personal advantage], except in payment of his legal [salary or benefits] [fees].

Third, that the defendant [received] [agreed to receive] this [for performing an official act] [for omitting to perform an official act] with the express or implied understanding that his [official act] [omission to perform an official act] was to be influenced thereby. (*Describe official duties alleged to have been violated.*)

And Fourth, that such act was within the scope of the defendant's official authority and was connected with the discharge of his official and legal duties.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant while holding the office of (*name office*) [accepted] [agreed to accept] (*describe bribe*) except in payment of his legal [salary or benefits] [fees] (for performing (*name action*)) (for omitting to perform (*name omission*)) [with express or implied understanding that his (*name action or omission*) was to be influenced thereby], and that such act was within the scope of defendant's official authority and was connected with the discharge of his official and legal duties, it would be your duty to return a verdict of guilty. If you do not so

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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. See *State v. Greer*, 238 N.C. 325 (1953) and *State v. Smith*, 237 N.C. 1 (1952) for discussion of bribery as related to public officials.