

230.31 RESISTING ARREST—LAWFULNESS OF ARREST. MISDEMEANOR.

The defendant has been charged with resisting an officer.

Now I charge that for you to find the defendant guilty of this offense, the State must prove five things beyond a reasonable doubt:

First, that the victim was a public officer. A (*name office*) is a public officer.

Second, that the defendant knew or had reasonable grounds to believe that the victim was a public officer.

Third, that the victim was [making] [attempting to make] a lawful arrest. (*Describe arrest*) would be a lawful arrest. ((*Describe alleged defects in the arrest*) would render the arrest unlawful.)¹

Fourth, that the defendant [resisted] [delayed] [obstructed] the victim in [making] [attempting to make] a lawful arrest.

And Fifth, that the defendant acted willfully and unlawfully, that is, intentionally and without justification or excuse.

So, I charge that if you find from the evidence beyond a reasonable doubt that on or about the alleged date the victim was a public officer, that the defendant knew or had reasonable grounds to believe that the victim was a public officer, that the victim was [making] [attempting to make] a lawful arrest, and that the defendant willfully and unlawfully [resisted] [delayed] [obstructed] the victim in [making] [attempting to make] a lawful arrest, it would be your duty to return a verdict of guilty.

However, 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. See N.C.G.S. § 15A-40 1 for the law governing arrest situations.