

230.61A INTIMIDATING WITNESSES BY THREATENING THE ASSERTION OR
DENIAL OF PARENTAL RIGHTS. FELONY.

The defendant has been charged with intimidating a witness by threatening the assertion or denial of parental rights.

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

First, that a person was [summoned) [acting) as a witness in a court of this State.¹

Second, that the person was [summoned) [acting) as a witness in the defendant's criminal case.

Third, that the defendant intentionally²

- a) [[intimidated) [attempted to intimidate) that witness in order to influence his testimony)³
- b) [[prevented) (deterred) [attempted to prevent) [attempted to deter) that witness from attending court.]

And Fourth, that the defendant did so by threatening the assertion or denial of parental rights.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date a person was (summoned] (acting] as a witness in the defendant's criminal proceeding in a court of this state and that the defendant intentionally

- a) [[intimidated] [attempted to intimidate] that witness by threatening the assertion or denial of parental rights in order to influence his testimony]
- b) [[prevented] [deterred] (attempted to prevent] [attempted to deter]

N.C.P.I.—Crim. 230.61A
INTIMIDATING WITNESSES BY THREATENING THE ASSERTION OR DENIAL OF PARENTAL
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GENERAL CRIMINAL VOLUME
FEBRUARY 2005
N.C. Gen. Stat. §14-226

that witness from attending court by threatening the assertion or denial of parental rights] 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 the things, it would be your duty to return a verdict of not guilty.

1. It is immaterial that the victim was not regularly summoned or legally bound to attend. See *S. v. Neely*, 4 N.C. App. 475 (1969).

2. For the definition of intent see N.C.P.I.—Crim. 120.10.

3. Influencing testimony is the gravamen of the “intimidates” part of the statute. *S. v. Neeley, supra*, see also *S. v. Isom*, 52 N.C App. 331 (1981).