

230.67 INTERFERING WITH A WITNESS. FELONY.

The defendant has been charged with interfering with a witness.

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.<sup>1</sup>

Second, that the defendant [deterred] [attempted to deter] [prevented] [attempted to prevent] any person who was [summoned] [acting] as a witness.

Third, that the defendant acted intentionally.<sup>2</sup>

And Fourth, that the defendant did so by (*describe threats, menace, or other manner of preventing or deterring, or attempting to prevent or deter attendance of the witness*)<sup>3 4</sup>.

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 a court of this state and that the defendant intentionally [deterred] [attempted to deter] [prevented] [attempted to prevent] a person by (*describe threats, menace, or other manner of preventing or deterring, or attempting to prevent or deter attendance of the witness*) 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.

---

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

<sup>2</sup>. For the definition of intent see N.C.P.I.-Crim 120.10.

<sup>3</sup>. See *State v. Williams*, 186 N.C. App. 233 (2007) (holding that defendant's letter to witness attempting to persuade her to withdraw the charges in another inmate's case

N.C.P.I.-Crim. 230.67  
INTERFERING WITH A WITNESS. FELONY.  
GENERAL CRIMINAL VOLUME  
JUNE 2022  
N.C. Gen. Stat. § 14-226(a)  
-----

---

did not amount to threats or coercive statements attempting to deter or prevent the witness from coming to court.)

<sup>4</sup>. It is the better practice to instruct on this element and describe the threat or other conduct alleged. See *State v. Barnett*, 245 N.C. App. 101, 784 S.E.2d 188 (2016) (concluding that it was not plain error when the final mandate omitted the language that the defendant must have acted "by threats"), *reviewed on other grounds*, 369 N.C. 298, 794 S.E.2d 306 (2016).