

230.95 DISTURBING HUMAN REMAINS - ACTS OF SEXUAL PENETRATION.
FELONY.

The defendant has been charged with disturbing human remains¹ by sexual penetration.²

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

First, that the defendant [committed] [attempted to commit] upon any human remains any act of sexual penetration;

And Second, that the defendant acted willfully.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant willfully [committed] [attempted to commit] upon any human remains any act of sexual penetration, 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, then it would be your duty to return a verdict of not guilty.

1. N.C. Gen. Stat. § 14-401.22 (f) defines "human remains" as "any dead human body in any condition of decay or any significant part of a dead human body, including any limb, organ, or bone."

2. N.C. Gen. Stat. § 14-27.1 states that a "Sexual act" means cunnilingus, fellatio, anilingus, or anal intercourse, but does not include vaginal intercourse. Sexual act also means the penetration, however slight, by any object into the genital or anal opening of another person's body: provided, that it shall be an affirmative defense that the penetration was for accepted medical purposes."