

N.C.P.I.-Crim. 233.45
PRISON BREACH AND ESCAPE FROM [COUNTY] [MUNICIPAL]
CONFINEMENT [FACILITIES] [OFFICERS]. MISDEMEANOR.
GENERAL CRIMINAL VOLUME
JUNE 2014
N.C. Gen. Stat. § 14-256

233.45 PRISON BREACH AND ESCAPE FROM [COUNTY] [MUNICIPAL]
CONFINEMENT [FACILITIES] [OFFICERS]. MISDEMEANOR.¹

The defendant has been charged with prison breach and escape from [county] [municipal] confinement [facilities] [officers].

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

First, that the defendant was

[in the lawful custody of the Division of Adult Correction]

[lawfully confined in a [prison] [jail] [lock-up] facility maintained by a [county] [municipality] of North Carolina]

[in the lawful custody of a(n) [superintendent] [guard] [officer] of a [prison] [jail] [lock-up] facility maintained by a [county] [municipality] of North Carolina]

And Second, that the defendant escaped from custody.²

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant escaped while

[in the lawful custody of the Division of Adult Correction]

[lawfully confined in a [prison] [jail] [lock-up] facility maintained by a [county] [municipality] of North Carolina]

[in the lawful custody of a(n) [superintendent] [guard] [officer] of a [prison] [jail] [lock-up] facility maintained by a [county] [municipality] of North Carolina]

it would be your duty to return a verdict of guilty. If you do not so find or have 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 The defendant is guilty of a felony if he has either been charged with or convicted of a felony and has been committed to the facility pending trial or transfer to the State prison system; or the defendant is serving a sentence imposed upon conviction of a felony.

2 If the defendant fails to return from work release or temporary parole, add the following sentence: "A willful failure of a prisoner [under the work release program] [on temporary parole] to return to an appointed place at an appointed time as ordered, would be an escape." N.C. Gen. Stat. § 148-45(g)(1); N.C. Gen. Stat. § 148-4. N.C. Gen. Stat. § 148-45(g)(2) provides that if a prisoner who would otherwise be guilty of a first violation of N.C. Gen. Stat. § 148-45(g)(1) voluntarily returns to his place of confinement within 24 hours of the time at which he was ordered to return, such person shall not be charged with an escape.