

N.C.P.I.—Crim. 233.85

PROVIDING [FORBIDDEN ARTICLES] [TOOLS TO ESCAPE] TO A PRISONER.  
FELONY.

GENERAL CRIMINAL VOLUME

REPLACEMENT JANUARY 2024

N.C. Gen. Stat. § 14-258(a)

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233.85 PROVIDING [FORBIDDEN ARTICLES] [TOOLS TO ESCAPE] TO A  
PRISONER. FELONY.

*NOTE WELL: If the offense involves furnishing a controlled substance to an inmate, use N.C.P.I.—Crim. 233.80. If the offense involves furnishing a deadly weapon, cartridge or ammunition to an inmate, use N.C.P.I.—Crim. 233.81. If the offense involves furnishing an alcoholic beverage to an inmate, use N.C.P.I.—Crim. 233.82. If the offense involves furnishing tobacco to an inmate, use N.C.P.I.—Crim. 233.83.*

The defendant has been charged with providing to a prisoner [an article forbidden by prison rules] [a [letter] [oral message] [weapon] [tool] [good] [clothing] [device] [instrument] to [effect an escape] [aid in an [assault] (or) [insurrection]]] to a prisoner.

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

First, that (*name prisoner*) was in the custody of [the Department of Adult Correction] [a local confinement facility<sup>1</sup>] [a law enforcement officer]<sup>2</sup>. (*Name facility or custodial officer*) is [within the Department of Adult Correction] [a local confinement facility] [a law enforcement officer].

And Second, that while (*name prisoner*) was [a prisoner of] [in the custody of] (*name facility or custodial officer*), the defendant [sold] [traded] [conveyed] [provided] [an article forbidden by prison rules] [a [letter] [oral message] [weapon] [tool] [good] [clothing] [device] [instrument] to [effect an escape] [aid in an [assault] (or) [insurrection]]] to (*name prisoner*).

If you find from the evidence beyond a reasonable doubt that on or about the alleged date (*name prisoner*) was in the custody of [the Department of Adult Correction] [a local confinement facility] [a law enforcement officer] and that the defendant [sold] [traded] [conveyed] [provided] [an article forbidden by prison rules] [a [letter] [oral message] [weapon] [tool] [good]

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[clothing] [device] [instrument] to [effect an escape] [aid in an [assault] (or)  
[insurrection]] to (*name prisoner*) 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.

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1. See N.C. Gen. Stat. §§ 153A-217 and 153A-230.1 for the definition of “local  
confinement facility,” which includes persons pending trial, appellate review, or presentence  
diagnostic evaluation.

2. N.C. Gen. Stat. § 14-254.5.