

## 235.19 STALKING. MISDEMEANOR.

*NOTE WELL: The first violation of this section is a misdemeanor. A person who commits the offense of stalking when there is a court order in effect prohibiting similar behavior is guilty of a felony. See N.C.P.I. 235.19A. A second or subsequent conviction for stalking is punishable as a felony. See N.C.P.I. 235.19B.*

The defendant has been charged with stalking.

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

First, that the defendant willfully [on more than one occasion harassed<sup>1</sup>] [engaged in a course of conduct<sup>2</sup> directed at] the victim without legal purpose.

And Second, that the defendant at that time knew or should have known that the [harassment] [course of conduct] would cause a reasonable person to:

- a. [fear for [that person's safety] [the safety of that person's [immediate family] [close personal associates]]. One is placed in reasonable fear when a person of reasonable firmness, under the same or similar circumstances, would fear [death] [bodily injury].]
- b. [suffer substantial emotional distress by placing that person in fear of [death] [bodily injury] [continued harassment]].<sup>3</sup>

If you find from the evidence beyond a reasonable doubt that on or about the alleged date(s), the defendant willfully [on more than one occasion harassed] [engaged in a course of conduct directed at] the victim without legal purpose, and that the defendant at that time knew or should have known that the [harassment] [course of conduct] would cause a reasonable person to:

- a. [fear for [that person's safety] [the safety of that person's immediate family] [close personal associates].
- b. [suffer substantial emotional distress by placing that person in fear of [death] [bodily injury] [continued harassment]],

it would be your duty to return a verdict of guilty. If you do not so find or if you have a reasonable doubt as to one or both of these things, it would be your duty to return a verdict of not guilty.

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1. For a definition of "harasses or harassment" see G.S. 14-277.3A(b)(2).
  2. For a definition of "course of conduct" see G.S. 14-277.3A(b)(1).
  3. *State v. Ferebee*, 137 N.C. App. 710 (2000).