

235.51 TERRORISM-CONTINUING CRIMINAL ENTERPRISE. FELONY.

The defendant has been charged with engaging in a continuing criminal enterprise.<sup>1</sup>

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

First, that the defendant committed a felony under the Terrorism Act (*Summarize the alleged conduct, referring to elements of the felony, e.g., "Use of any explosive or incendiary device"*) is (*name felony*), a felony under the Terrorism Act.<sup>2</sup>

Second, that this felony was part of a continuing series of violations of the Terrorism Act. (*Summarize relevant provisions of the Terrorism Act.*)

Third, that the defendant undertook this series of violations in concert with five (or more) other persons. Persons act in concert when they act together with a common purpose to commit a crime or series of crimes.

Fourth, that with respect to these other persons, the defendant occupied a position of [organizer] [supervisor] [management].

And Fifth, that the defendant obtained substantial income or resources from this series of crime.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant committed (*name felony*) and that this was part of a continuing series of violations of the Terrorism Act

undertaken by the defendant in concert with at least five other persons, with respect to whom the defendant occupied a position of [organizer] [supervisor] [management], and if you further find that the defendant obtained substantial income or resources from this series of crimes, 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. N.C. Gen. Stat. § 14-7.20 (a1) states "Any person who engages in a continuing criminal enterprise where the felony violation required by subdivision (c)(1) of this section is a violation of N.C. Gen. Stat. § 14-10.1 shall be punished as a Class D felon, and, in addition, shall be subject to the forfeiture prescribed in subsection (b) of this section."

2. N.C. Gen. Stat. § 14-7.20 (b) states "Any person who is convicted under subsection (a) or (a1) of this section of engaging in a continuing criminal enterprise shall forfeit to the State of North Carolina: (1) The profits obtained by the person in the enterprise, and (2) Any of the person's interest in, claim against, or property or contractual rights of any kind affording a source of influence over, such enterprise."