

236A.27 FAILURE TO DISPERSE. MISDEMEANOR.

The defendant has been charged with failure to disperse.

In order for you to find the defendant guilty of this offense the State must prove three things beyond a reasonable doubt:

First, that the defendant failed to comply with a lawful demand to disperse;

Second, that a [law enforcement officer] [public official] responsible for keeping the peace issued the command to disperse in a manner reasonably calculated to be communicated to the assemblage;

Third, that the [law enforcement officer] [public official] reasonably believed that [a riot] [disorderly conduct] by an assemblage of three or more persons was occurring;<sup>1</sup>

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant failed to comply with a lawful demand to disperse, that a [law enforcement officer] [public official] responsible for keeping the peace issued the command to disperse in a manner reasonably calculated to be communicated to the assemblage, and that the [law enforcement officer] [public official] reasonably believed that [a riot] [disorderly conduct] by an assemblage of three or more persons was occurring, 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

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1. If any person remains at the scene of the [riot] [disorderly conduct] by an assemblage of three or more persons, following a command to disperse and after a reasonable time for dispersal had lapsed, it is *prima facie* evidence that the person so remaining is willfully engaging in the riot as disorderly conduct.

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more of these things, then it would be your duty to return a verdict of not guilty.