

236B.15 STREET TAKEOVER. FELONY.

The defendant has been charged with felonious street takeover.

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

First, that the defendant operated a motor vehicle in a street takeover. A street takeover<sup>1</sup> is defined as the unauthorized taking over of a portion of highway, street, or public vehicular area by blocking or impeding the regular flow of traffic with a motor vehicle to perform a motor vehicle stunt,<sup>2</sup> contest, or exhibition.

Second, that the defendant did so knowingly.

And Third, that on (name date) the defendant, in (name court) [was convicted of] [pled guilty to] the crime of street takeover. This second (and otherwise subsequent) crime must have been committed within 24 months after the plea of guilty to or conviction of the one before it.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant knowingly operated a motor vehicle in a street takeover and had been previously convicted of street takeover, it would be your duty to return a verdict of guilty of felonious street takeover. If you do not so find, or have a reasonable doubt as to one or more of these things, you would not return a verdict of guilty of felonious street takeover but would consider whether the defendant is guilty of misdemeanor street takeover, which differs from felonious street takeover in that it is not necessary for the State to prove beyond a reasonable doubt that the defendant had been previously convicted of or pled guilty to street takeover.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant knowingly operated a motor vehicle in a

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street takeover, it would be your duty to return a verdict of guilty of misdemeanor street takeover. If you do not so find, or 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. N.C. Gen. Stat. § 20-141.10(a)(8).

2. A stunt is defined as a burnout, doughnut, wheelie, drifting, or other dangerous motor vehicle activity. See N.C. Gen. Stat. § 20-141.10(a)(9). For a definition of burnout, doughnut, wheelie, or drifting, see N.C. Gen. Stat. § 20-141.10(a).