

240.05 ABANDONMENT BY SUPPORTING SPOUSE. MISDEMEANOR.

NOTE WELL: This crime is punished as a Class 1 misdemeanor upon a second or subsequent offense. G.S. 14-322(f).

The defendant has been charged with abandonment of [his wife] [her husband].

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

First, that the defendant was the [husband] [wife] of (*name defendant's spouse*).

Second, that the defendant was a supporting spouse. A supporting spouse is a spouse, whether husband or wife, upon whom the other spouse is actually substantially dependent or from whom such other spouse is substantially in need of maintenance and support.

Third, that (*name defendant's spouse*) was a dependent spouse. A dependent spouse is a spouse, whether husband or wife, who is actually substantially dependent upon the other spouse for [his] [her] maintenance and support or is substantially in need of maintenance and support from the other spouse.

Fourth, that the defendant abandoned (*name defendant's spouse*) on or about (*name date*). Abandonment means more than mere separation.

Fifth, that after abandoning [her] [him], [he] [she] failed to provide [her] [him] with adequate support. By support, I mean such things as food, clothing, a place to live, or medical attention reasonably required for the preservation of [her] [his] health. What was adequate support depends on the property, if any, the defendant owned, [his] [her] earnings (and other income), if any, and [his] [her] ability to earn.

And Sixth, that both the abandonment and failure to support was

N.C.P.I.—CRIMINAL 240.05
ABANDONMENT BY SUPPORTING SPOUSE. MISDEMEANOR.
GENERAL CRIMINAL VOLUME
REPLACEMENT MAY 2000
N.C. Gen. Stat. § 14-322(b)

willful, that is, intentional and without justification or excuse.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant was a supporting spouse, that (*name defendant's spouse*) was a dependent spouse, that the defendant willfully abandoned [his wife] [her husband], and that thereafter [he] [she] willfully failed to provide [her] [him] with adequate support, 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.