

255.01 FELONIOUS WILLFUL FAILURE TO APPEAR. FELONY.

*NOTE WELL: Use this instruction when the defendant was released in connection with a felony charge against him, or the defendant was released after conviction in the superior court in accordance with G.S. 15A-536.*

The defendant has been charged with willful failure to appear.

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

First, that the defendant was released from lawful custody [in connection with a felony charge against him] [after conviction in the superior court while [awaiting sentencing] [an appeal was pending]].

Second, that the defendant had been ordered to appear before [(*name court*)] [(*name judicial officer*)] on (*name date*) at (*name time*) to (*describe purpose of proceedings*).

Third, that the defendant did not appear as ordered.

And Fourth, that the defendant's failure to appear was willful, that is intentional and without justification.

If you find from the evidence beyond a reasonable doubt that the defendant was released from custody [in connection with a felony charge against him] [after conviction in the superior court while [awaiting sentencing] [an appeal was pending]], and that the defendant was ordered to appear before [(*name court*)] [(*name judicial officer*)] on (*name date*) at (*name time*) to (*describe purpose of proceedings*), and that the defendant willfully failed to appear as ordered, 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.