

N.C.P.I.-Crim. 255.03
DRIVING AFTER FAILURE TO APPEAR-ALCOHOL-RELATED OFFENSES.
MISDEMEANOR.
GENERAL CRIMINAL VOLUME
JUNE 2007
N.C. Gen. Stat. § 20-28(a2)

255.03 DRIVING AFTER FAILURE TO APPEAR - ALCOHOL-RELATED
OFFENSES. MISDEMEANOR.

*NOTE WELL: This instruction applies to offenses
occurring on or after December 1, 2006.*

The defendant has been charged with failure to appear.

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

First, that on (*name date*) the defendant was charged with an implied-consent offense. (*Name offense*) is an implied-consent offense.¹

Second, that the defendant was ordered to appear for a regularly scheduled court appearance within two years from the date of the charged offense.

And Third, that the defendant failed to appear for a regularly scheduled court appearance for at least two years from the date of the charge.

If you find from the evidence beyond a reasonable doubt that the defendant, on (*name date*) was charged with an implied-consent offense, that the defendant was ordered to appear for a regularly scheduled court appearance within two years from the date of the charged offense, and that the defendant failed to appear for a regularly scheduled court appearance for at least two years from the date of the charge, 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. See N.C. Gen. Stat. § 20-16.2