

256.10 INTOXICATED AND DISRUPTIVE IN PUBLIC. MISDEMEANOR.

The defendant has been charged with being intoxicated and disruptive in public.

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

First, that the defendant was in a public place. A public place is any place which is open to the public, regardless of whether it is publicly or privately owned.

Second, that the defendant was intoxicated. Intoxicated is the condition of a person whose mental or physical functioning is presently substantially impaired as a result of the use of alcohol.¹

And Third, that the defendant was:

- a. [blocking or otherwise interfering with traffic on a highway or public vehicular area]
- b. [blocking or lying across or otherwise preventing or interfering with access to or passage across a sidewalk or entrance to a building]
- c. [grabbing, shoving, pushing, or fighting others or challenging others to fight]
- d. [cursing or shouting at or otherwise rudely insulting others]
- e. [begging for money or other property].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant, while in a public place, was intoxicated and was

- a. [blocking or otherwise interfering with traffic on a highway or public vehicular area]
- b. [blocking or lying across or otherwise preventing or interfering with

access to or passage across a sidewalk or entrance to a building]

- c. [grabbing, shoving, pushing, or fighting others or challenging others to fight]
- d. [cursing or shouting at or otherwise rudely insulting others]
- e. [begging for money or other property]

it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to any one or more of these things, it would be your duty to return a verdict of not guilty.

1. G.S. 14-443(2).

A self-serving alternate definition from the pen of British poet Thomas Love Peacock (1785-1866] follows:

Not drunk is he who from the floor
Can rise alone and still drink more;
But drunk is he who prostrate lies,
Without the power to drink or rise.

Also, see *S. v. Painter*, 261 N.C. 332, 337 (1964).