

270.54. OPERATING A MOTOR VEHICLE TO ELUDE ARREST. MISDEMEANOR.

NOTE WELL: For the Felony of operating a motor vehicle to elude arrest use N.C.P.I.—Crim. 270.54A.

The defendant has been charged with operating a motor vehicle to elude arrest.

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 operating a motor vehicle¹.

Second, that the defendant was operating that motor vehicle on a [street] [highway] [public vehicular area].

And Third, that the defendant was [fleeing] [attempting to elude] a law enforcement officer who was in the lawful performance of his duties.

A (*describe officer's status, e.g., highway patrol trooper*) is a law enforcement officer with authority to enforce the motor vehicle laws. A person [flees] [attempts to elude] arrest or apprehension by a law enforcement officer when he knows or has reasonable grounds to know that an officer is a law enforcement officer, is aware that the officer is attempting to arrest or apprehend him, and acts with the purpose of getting away in order to avoid arrest or apprehension by the officer.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant operated a motor vehicle on a [street] [highway] [public vehicular area], while [fleeing] [attempting to elude] a law enforcement officer who was in the lawful performance of his duties and the defendant knew or had grounds to know that the officer was a law enforcement officer, 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.

1. In the appropriate case, the trial court should include the full definition of “motor vehicle” in its instruction. *See State v. Boykin*, ___ N.C. App. ___, 853 S.E.2d 781 (2020) (concluding that the trial court’s failure to instruct on the statutory definition of “motor vehicle” was plain error, where the evidence tended to show that defendant was driving a moped at the time of the alleged offense). A “motor vehicle” is “every vehicle which is self-propelled and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle,” but “this term shall not include mopeds or electric assisted bikes.” G.S. 20-4.01(23).