

N.C.P.I.-Crim. 270.54B
OPERATING A MOTOR VEHICLE TO ELUDE ARREST RESULTING IN DEATH.
FELONY.
GENERAL CRIMINAL VOLUME
JUNE 2006
N.C. Gen. Stat. § 20-141.5(b1)

270.54B OPERATING A MOTOR VEHICLE TO ELUDE ARREST RESULTING IN DEATH. FELONY.

NOTE WELL: For the misdemeanor of operating a motor vehicle to elude arrest use N.C.P.I.-Crim. 270.54. For the felony of operating a motor vehicle to elude arrest not resulting in death, use N.C.P.I.-Crim. 270.54A. For the felony of operating a motor vehicle to elude arrest accompanied by aggravating factors and resulting in death use N.C.P.I.-Crim. 270.54C.

The defendant has been charged with felonious operation of a motor vehicle to elude arrest resulting in death.

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 vehicle on a [street] [highway] [public vehicular area].

Second, 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 patrolman*) is a law enforcement officer with authority to enforce the laws of this State. 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 that person, and acts with the purpose of getting away in order to avoid arrest or apprehension by the officer.

And Third, that the defendant's [fleeing] [attempt to elude] the law enforcement officer was the proximate cause of the death of any person.

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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 reasonable grounds to know that the officer was a law enforcement officer, and that the defendant's [fleeing] [attempting to elude] a law enforcement officer was the proximate cause of the death of any person, 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

1. If there is evidence to support the submission of a lesser included offense, this last phrase would be amended as follows "If you do not so find or have a reasonable doubt as to one or more of these things, then you would not return a verdict of guilty of operating a motor vehicle to elude arrest resulting in death, but would consider whether the defendant is guilty of"