

270.73 FAILURE TO YIELD TO A PEDESTRIAN. INFRACTION.

The defendant has been charged with failure to yield to a pedestrian. For you to find the defendant responsible for this infraction, the State must prove the following five things beyond a reasonable doubt.

First, that there was a stop light emitting a [steady] [strobe beam]<sup>1</sup> red light on (*name highway*) at the intersection of (*name highway*).<sup>2</sup>

Second, that the defendant was the driver of a vehicle. A (*describe vehicle*) is a vehicle.

Third, that the defendant made a right turn on (*name highway*) at the intersection of (*name other highway*).

Fourth, that a pedestrian was moving towards the intersection, in reasonably close proximity to the intersection, and preparing to cross in front of the traffic that was required to stop at the red light.

And Fifth, that the defendant failed to yield the right of way to such pedestrian.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant was driving a vehicle that was facing a stop light emitting a [steady] [strobe beam] red light at the intersection of (*name highway*) and (*name other highway*) and that the defendant made a right turn on (*name highway*) at the intersection of (*name other highway*) and failed to yield the right of way to a pedestrian that was moving towards the intersection of (*name highway*) and (*name other highway*), in reasonably close proximity to the intersection of (*name highway*) and (*name other highway*), and preparing to cross in front of the traffic that is required to stop at the intersection of (*name highway*) and (*name other highway*), it would be your duty to find the defendant responsible for this infraction. If

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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 responsible.

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1. A strobe is defined by Webster's New World Dictionary, 1975 Ed., as a tube that can emit extremely rapid, brief, and brilliant flashes of light.

2. Although G.S. 20-158(a)(3) authorizes the erection of stop lights at intersections "and other appropriate places," G.S. 20-158(b)(2) prohibits vehicles only from "entering the *intersection*." In addition, G.S. 20-4.01(16) defines intersection so that it applies only to "two or more *highways*." A highway is not a "public vehicular area" and thus is not a parking lot. *Compare* G.S. 20-4.01(16) with G.S. 20-4.01(32).