

271.72 FAILURE TO RENDER ASSISTANCE - PASSENGER. MISDEMEANOR.

The defendant has been charged with failing to render reasonable assistance at the scene when *he* was a passenger of a vehicle involved in a(n) [accident] [collision] and it is apparent that assistance was necessary or was requested by an injured person.

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

First, that the defendant was a passenger of a vehicle.¹

Second, that the vehicle was involved in a(n) [accident] [collision].

Third, that a person was physically injured in this [accident] [collision].

Fourth, that the defendant knew or reasonably should have known that *he* was involved in a(n) [accident] [collision] and that a person² was physically injured in that [accident] [collision]. The defendant's knowledge can be actual or implied- that is, it may be inferred where the circumstances proven are such as would lead a passenger to believe that the passenger had been in an accident which caused physical injury to a person.³

Fifth, that the defendant did not render reasonable assistance to the person injured when [it was apparent that such assistance was necessary] [requested by the injured person]].

And Sixth, that the defendant's failure was willful, that is, intentional (and without justification or excuse).

If you find from the evidence beyond a reasonable doubt that on or

about the alleged date the defendant was a passenger of a vehicle that was involved in a(n) [accident] [collision] in which a person was physically injured, that the defendant knew or reasonably should have known that *he* had been in that [accident] [collision] and that a person had been injured, that the defendant did not render reasonable assistance to the person injured when [it was apparent that this was necessary] [requested by the injured person], and that the defendant's failure to do so was willful (and without justification or excuse), 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. N.C. Gen. Stat. § 20-4.01(49) defines the word "vehicle."
 2. This instruction is equally applicable where a pedestrian is involved.
 3. *See State v. Fearing*, 304 N.C. 471 (1982) for a discussion of the knowledge required.