

N.C.P.I.—CRIMINAL 271.77

FAILURE TO RETURN WITH THE VEHICLE AFTER BEING PERMITTED TO REMOVE IT FROM THE SCENE AFTER AN ACCIDENT RESULTING IN [DAMAGE TO PROPERTY] [INJURY OR DEATH TO PERSON OF WHICH THE PASSENGER WAS UNAWARE]—PASSENGER. MISDEMEANOR.

GENERAL CRIMINAL VOLUME

JUNE 2006

N.C. Gen. Stat. § 20-166.2(a)

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The defendant has been charged with failure to return with the vehicle after being permitted to remove the vehicle from the scene of an [accident] [collision] resulting in [damage to property] [injury or death to any person about which the defendant did not know or have reason to know].

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

First, that the defendant was the passenger of a vehicle that was involved in a reportable accident. A reportable accident¹ is one involving a motor vehicle that results in [death or injury of a human being] [total property damage of one thousand dollars (\$1,000) or more] [property damage of any amount to a vehicle seized because it was driven by a person charged with an offense involving impaired driving whose license was already revoked as a result of a prior impaired driving offence).

Second, that the defendant knew or reasonably should have known that the vehicle was involved in an [accident] [collision].

Third, that the accident resulted in [damage to property] [injury or death to any person about which the defendant did not know or have reason to know].

Fourth, that defendant removed the vehicle to [call for a law enforcement officer] [call for medical assistance] [call for medical treatment] [remove defendant or others from significant risk of injury]

And Fifth, that defendant willfully failed to return with the vehicle to the accident scene within a reasonable period of time.

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If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant was the passenger of a vehicle that was involved in a reportable accident, that the defendant knew or reasonably should have known that the vehicle was involved in an [accident] [collision], that the accident resulted in [damage to property] [injury or death to any person about which the defendant did not know or have reason to know], that defendant removed the vehicle to [call for a law enforcement officer] [call for medical assistance] [call for medical treatment] [remove defendant or others from significant risk of injury], and that defendant willfully failed to return with the vehicle to the accident scene within a reasonable period of time, 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. G.S. 20-4.01(33b) defines a "reportable crash" but does not include a definition for a "reportable accident." The Pattern Jury Committee assumes that the legislature intended the term "reportable accident" in G.S. 20-166(c) to be synonymous with the term "reportable crash" and thus uses that definition here.