

305.10 VOLUNTARY INTOXICATION, LIQUOR OR DRUGS—IN GENERAL.

You may find there is evidence which tends to show that the defendant was [intoxicated] [drugged] at the time of the acts alleged in this case. Generally, [voluntary intoxication] [a voluntary drugged condition] is not a legal excuse for crime.

However, if you find that the defendant was [intoxicated] [drugged], you should consider whether this condition affected the defendant's ability to formulate the specific intent which is required for conviction of (*name crime*). In order for you to find the defendant guilty of (*name crime*), you must find beyond a reasonable doubt that the defendant had the specific intent required to commit this crime.¹ If, as a result of [intoxication] [a drugged condition], the defendant did not have the required specific intent, you must find the defendant not guilty of (*name crime*).

(The law does not require any specific intent for the defendant to be guilty of the crime(s) of (*name lesser included offense(s) not requiring specific intent*). Thus, the defendant's [intoxication] [drugged condition] can have no bearing upon your determination of the defendant's guilt or innocence of [this] [these] crime(s).)^{2 3}

Therefore, upon considering the evidence with respect to the defendant's [intoxication] [drugged condition], you have a reasonable doubt as to whether the defendant formulated the specific intent required for conviction of (*name crime*), you will not return a verdict of guilty of (*name crime*).

¹. For example: "In order for you to find the defendant guilty of the crime of assault with intent to commit rape, you must find, beyond a reasonable doubt, that the defendant had the specific intent to have sexual relations with the victim notwithstanding any resistance she might offer."

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². These parenthetical sentences are to be used only when instructions as to such lesser included offense(s) are given elsewhere.

³. See *State v. Meader*, 838 S.E.2d 643 (N.C. Ct. App. 2020).