

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE  
COURT DIVISION

COUNTY OF .

STATE OF NORTH CAROLINA

vs.

\_\_\_\_\_ /

DEFENDANT'S PROPOSED SPECIAL JURY INSTRUCTIONS

COMES NOW the defendant, \_\_\_\_\_ by and through the undersigned  
counsel, and hereby proposes the following special jury instructions:

The State has presented evidence of a chemical analysis of the defendant's breath. Although the results of a chemical analysis are sufficient evidence from which you, the jury, may find that the defendant had an alcohol concentration of .08 or greater at any relevant time after the driving, the results do not compel this finding. (See *State v. Simmons*, \_\_\_ N.C. App \_\_\_, 698 S.E.2d. 95,101-2 (2010))

As the finders of fact, it is your responsibility to determine the credibility and the weight to be afforded to the results of a chemical analysis of the defendant's breath in light of all of the evidence admitted in this case. (See *State v. Narron*, 193 N.C. App 76, 81, 666 S.E.2d 860 (2008))

Respectfully submitted this