

229.15 [BUYING] [SELLING] PUBLIC OFFICES. FELONY.

The defendant has been charged with [buying] [selling] a public office.

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

First, that the defendant:

- a) [[bargained away] [sold]] a(n) [[office] [deputation<sup>1</sup> of an office]
- b) [[took [money] [a reward] [profit] for a(n) [office] [deputation of an office]]]
- c) [[gave] [paid]] [money] [a reward] [profit] for a(n) [office] [deputation of an office]]
- d) [made a(n) [promise] [agreement] [bond] [assurance] for a(n) [[office] [deputation of an office]

A public office is an agency for a state, and the person whose duty it is to perform this agency is a public officer.<sup>2</sup> A position is a public office when it is created by law, with duties cast upon the incumbent which involves an exercise of some portion of the sovereign power of the state or subdivision thereof and in the performance of which the public is concerned.<sup>3</sup>

And Second, the office concerned the [administration or execution of justice] [[receipt] [collection] [control] [disbursement] of the public revenue] [a clerkship in any court of record wherein justice is administered].

If you find from the evidence defendant beyond a reasonable doubt that on or about the alleged date, the defendant

- a) [[bargained away] [sold]] a(n) [[office] [deputation of an

office]

- b) [[took [money] [a reward] [profit] for a(n) [office] [deputation of an office]]
- c) [[gave] [paid]] [money] [a reward] [profit] for a(n) [office] [deputation of an office]]
- d) [made a(n) [promise] [agreement] [bond] [assurance] for a(n) [[office] [deputation of an office]

and that the office concerned the [administration or execution of justice] [[receipt] [collection] [control] [disbursement] of the public revenue] [a clerkship in any court of record wherein justice is administered], then it would be your duty to return a verdict of guilty. If you do not so find or have reasonable doubt as to one or both of these things, then it would be your duty to return a verdict of not guilty.

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1 A person or group appointed to represent another or others; a delegation.

2 *State ex rel. Clark v. Stanley*, 66 N.C. 59 (1872).

3 *Groves v. Barden*, 169 N.C. 8, 84 S.E. 1042 (1915).