

237.26 SALE OF TICKETS USED IN A NUMBERS LOTTERY. MISDEMEANOR.

NOTE WELL: The North Carolina Education Lottery and lawful lotteries conducted by other states are not subject to this statute.

The defendant has been charged with [selling] [bartering] [causing to be sold or bartered] tickets¹ used in a numbers lottery.

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

First, that (*describe item*) was a lottery ticket. A lottery is defined as any scheme for the distribution of prizes, by lot or chance, by which one, upon paying money or giving any other thing of value to another, obtains a token which entitles him to receive a larger or smaller value, or nothing, as some formula of chance may determine.

Second, that the defendant [sold] [bartered] [caused to be sold or bartered] the lottery ticket.

And Third, that the defendant did this knowingly.²

If the State proves beyond a reasonable doubt that the defendant possessed tickets that were used in a numbers lottery, and that the defendant knew he possessed them and knew that they were used in the operation of a numbers lottery, you may infer that he [sold] [bartered] [caused to be sold or bartered] tickets used in a numbers lottery, but you are not compelled to do so. You will consider this evidence together with all the other evidence in this case in determining whether the State has proved beyond a reasonable doubt that defendant [sold] [bartered] [caused to be sold or bartered] tickets used in a numbers lottery.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant knowingly [sold] [bartered] [caused to be sold or bartered] a ticket used in the operation of a numbers lottery, 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. Or token, certificate or order for any number or shares in any lottery.
 2. See *State v. Mayo*, 27 N.C. App. 336 (1975).