

247.31 DOG FIGHTING AND BAITING. FELONY.

*NOTE WELL: The use of dogs in the lawful taking of animals under the jurisdiction and regulation of the Wildlife Resources Commission or the use of herding dogs in the working of domesticated livestock for agricultural, entertainment, or sporting purposes are not prohibited by G.S. 14-362.2(d)(f).*

The defendant has been charged with participating in dog fighting or baiting.

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) [instigated] [promoted] [conducted] [was employed at] [provided a dog for] [allowed property under his ownership or control to be used for] [gambled on] [profited from] an exhibition featuring the [fighting] [baiting] of a dog.] (or)
- b) [owned] [possessed] [trained] a dog to be used in an exhibition featuring the [fighting] [baiting] of that dog.] (or)
- c) [participated as a spectator at an exhibition featuring the [fighting] [baiting] of a dog.]

And Second, that the defendant did this intentionally,<sup>1</sup> that is without justification or excuse.

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

- a) [instigated] [promoted] [conducted] [was employed at] [provided a dog for] [allowed property under his ownership or control to be

- used for] [gambled on] [profited from] an exhibition featuring the [fighting] [baiting] of a dog.] (or)
- b) [owned] [possessed] [trained] a dog to be used in an exhibition featuring the [fighting] [baiting] of that dog.] (or)
- c) [participated as a spectator at an exhibition featuring the [fighting] [baiting] of a dog.]

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 both of these things, it would be your duty to return a verdict of not guilty.

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1. For the definition of "intent" see N.C.P.I.—Crim. 120.10.