

260.19 MANUFACTURING A CONTROLLED SUBSTANCE.

The defendant has been charged with manufacture of (*name substance*), a controlled substance.

For you to find the defendant guilty of this offense, the State must prove beyond a reasonable doubt that the defendant manufactured (*name substance*). (*Describe conduct*)<sup>1</sup> of (*name substance*) would be manufacture of a controlled substance.<sup>2</sup>

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant (*describe conduct*) (*name substance*), it would be your duty to return a verdict of guilty. If you do not so find or if you have a reasonable doubt, it would be your duty to return a verdict of not guilty.

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1. "Manufacture" is defined by G.S. 90-87(15). It includes producing, preparing, propagating, compounding, converting or processing a controlled substance, either by extraction from substances of natural origin or by chemical synthesis. Also included are packaging or repackaging and labeling or relabeling of the container of a controlled substance. Specifically excluded are preparation or compounding for one's own use, and packaging or labeling by a practitioner in the course of his professional conduct, including research, education, and chemical analysis.

2 .Where the defendant claims that his conduct was excepted from the provision of G.S. 90-95, the exception should be set forth and the jury should be instructed that the defendant has the burden of proving that his conduct was authorized. G.S. 90-113.1 See *State v. McNeil*, 47 N.C. App. 30, 266 S.E.2d 824 (1980).