

260.41 PROMOTING DRUG SALES BY A MINOR. FELONY.

The defendant has been charged with promoting drug sales by a minor.

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

First, that the defendant

- a. [[enticed] [forced] [encouraged] [facilitated] (*name minor*) to violate the controlled substances act by (*describe violation of G.S. 90-95(a)(1)*).]
- b. [[supervised] [supported] [advised] [protected] (*name minor*) in violating the controlled substances act by (*describe violation of G.S. 90-95(a)(1)*).]

Second, that (*name minor*) was less than 18 years of age at the time of this offense.¹

And Third, that at the time the defendant was 21 years of age or older.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [enticed] [forced] [encouraged] [facilitated] (*name minor*) to violate the controlled substances act (or) [supervised] [supported] [advised] [protected] (*name minor*) in violating the controlled substances act, and that at that time (*name minor*) was less than 18 years of age and the defendant was 21 years of age or older, 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.

1. If the defendant contends that he was mistaken about the age of the minor, the jury should be instructed as follows: "Mistake of age is not a defense to a prosecution under this section." G.S. 90-95.6(b).