

260.70 CONTINUING CRIMINAL ENTERPRISE—THE CONTROLLED
SUBSTANCES ACT.

The defendant has been charged with engaging in a continuing criminal enterprise.

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

First, that the defendant committed a felony under the Controlled Substances Act. (*Summarize the alleged conduct, referring to elements of the felony, e.g., "Knowingly possessing marijuana for the purpose of delivering it to others"*) is (*name felony*), a felony under the Controlled Substances Act.

Second, that this felony was part of a continuing series of violations of the Controlled Substances Act. (*Summarize relevant provisions of the Controlled Substances Act.*)

Third, that the defendant undertook this series of violations in concert with at least five other persons. Persons act in concert when they act together with a common purpose to commit a crime or series of crimes.

Fourth, that with respect to these other persons, the defendant occupied a position as organizer, supervisor, or any other position of management.

And Fifth, that the defendant obtained substantial income or resources from this series of crime.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant committed (*name felony*) and that this was part of a continuing series of violations of the Controlled Substances Act undertaken by the defendant in concert with at least five other persons, with respect to whom the defendant occupied a position of organizer,

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supervisor, or other position of management, and if you further find that the defendant obtained substantial income or resources from this series of crimes, 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.