

N.C.P.I.—CRIM 272.18

[PURCHASE] [POSSESSION] OF FORTIFIED WINE, SPIRITUOUS LIQUOR OR MIXED BEVERAGES BY A PERSON LESS THAN TWENTY-ONE.

MISDEMEANOR.

GENERAL CRIMINAL VOLUME

JUNE 2014

N.C. Gen. Stat. § 18B-302.2(b)(2)

272.18 PURCHASE OR POSSESSION OF FORTIFIED WINE, SPIRITUOUS LIQUOR OR MIXED BEVERAGES BY A PERSON LESS THAN TWENTY-ONE. MISDEMEANOR.

The defendant has been charged with purchasing or possessing [fortified wine] [spirituous liquor] [mixed beverages], the defendant then being less than 21 years of age.

For you to find the defendant guilty of this offense¹, the State must prove three things beyond a reasonable doubt:

First, that the defendant [purchased] [had in the defendant's possession²] [fortified wine]³ [spirituous liquor]⁴ [mixed beverages].⁵ (*Describe substance*) is [fortified wine] [spirituous liquor] [mixed beverages].⁶

Second, that the defendant knew that the defendant had [purchased] [in the defendant's possession] [fortified wine] [spirituous liquor] [mixed beverages].

And Third, at that time the defendant was less than 21 years old.

1 A person under the age of 21 shall not be prosecuted for a violation of N.C. Gen. Stat. § 18B-302 for the possession of alcoholic beverages if law enforcement, including campus safety police, became aware of the possession of alcohol by the person solely because the person was seeking medical assistance for another individual. This limited immunity shall apply if, when seeking medical assistance on behalf of another, the person did all of the following: (1) acted in good faith, upon a reasonable belief that he or she was the first to call for assistance; (2) used his or her own name when contacting authorities; and (3) remained with the individual needing medical assistance until help arrived. N.C. Gen. Stat. § 18B-302.

2 If a definition is required, see N.C.P.I. –Crim. 104.41

3 N.C. Gen. Stat. § 18B-101(7) defines fortified wine.

4 N.C. Gen. Stat. § 18B-101(14) defines spirituous liquor.

5 N.C. Gen. Stat. § 18B-101(10) defines mixed beverages.

6 This section is interpreted in light of the common law principle that guilty knowledge is an essential element of the crime.

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If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant knowingly [purchased] [had in the defendant's possession] [fortified wine] [spirituous liquor] [mixed beverages] and that the defendant was less than 21 years old, it would be your duty to return a verdict of guilty. If you do not so find or if you have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.