

273.10 FIRELIGHTING OR SPOTLIGHTING (TAKING DEER BY ARTIFICIAL LIGHT). MISDEMEANOR.

The defendant has been charged with unlawfully taking a deer with the aid of an artificial light.

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

First, that the defendant took¹ a deer. A person takes a deer when he

1. [intentionally² [captures] [kills] [harms] [pursues] [hunts] [reduces to possession] a deer] (or)
2. [intends² to [capture] [kill] [harm] [pursue] [hunt] [reduce to possession] a deer and engages in any operation constituting
 - a. [immediate preparation for an attempt to do so]
 - b. [an attempt to do so]
 - c. [conduct immediately subsequent to an attempt to do so]].
(*Describe defendant's conduct, e.g., parking a pick-up truck beside an open field with a loaded rifle handy in the cab*) would be such an operation).

Second, that the defendant did so with the aid of an artificial light.

And Third, that the defendant did so after (give time one half hour after sunset) and before (give time one half hour before sunrise).

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

1. [intentionally (*describe conduct constituting successful attempt, e.g., shot*) a deer]
2. [intended to [capture] [kill] [harm] [pursue] [hunt] [reduce to possession] a deer] and in order to do so (*describe conduct*)

N.C.P.I.—CRIMINAL 273.10
FIRELIGHTING OR SPOTLIGHTING (TAKING DEER BY ARTIFICIAL LIGHT). MISDEMEANOR.
GENERAL CRIMINAL VOLUME
REPLACEMENT MAY 2001
N.C. Gen. Stat. §§ 113-291.1(b)(2), 113-130(7), 113-294(e)

constituting unsuccessful attempt or immediate preparation for an attempt, e.g., parked his pickup at the side of rural unpaved road 1407 adjacent to Joe Doe's cornfield with a loaded rifle handy in the cab)],

and that the defendant did so with the aid of an artificial light and that he did so after (give time one half hour after sunset) and before (give time one half hour before sunrise), 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. "To take" is defined as "all operations during, immediately preparatory and immediately subsequent to an attempt, whether successful or not, to capture, kill, pursue, hunt, or otherwise harm or reduce to possession..." G.S. § 113-130 (7).

2. If a further definition of intent is required, see N.C.P.I.—Crim. 120.10.