

N.C.P.I.—Crim. 238.25A
POSSESSING OBSCENE VISUAL REPRESENTATION OF SEXUAL
EXPLOITATION OF A MINOR. FELONY.
GENERAL CRIMINAL VOLUME
JANUARY 2025
N.C. Gen. Stat. § 14-190.17C(b)

238.25A. POSSESSING OBSCENE VISUAL REPRESENTATION OF SEXUAL
EXPLOITATION OF A MINOR. FELONY.

The defendant has been charged with possessing obscene visual representation of sexual exploitation of a minor.

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

First, that the defendant knowingly possessed material¹ that depicted a minor² engaged in sexual activity.³

And Second, that the material was obscene.⁴

NOTE WELL: N.C. Gen. Stat. § 14-190.17C(c) provides that the minor depicted need not actually exist.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant knowingly possessed material that depicted a minor engaged in sexual activity, and that the material was obscene, 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. N.C. Gen. Stat. § 14-190.13(2) defines “material” as “pictures, drawings, video recordings, films or other visual or physical depictions or representations, including digital or computer-generated visual depictions or representations created, adapted, or modified by technological means, such as algorithms or artificial intelligence, but not material consisting entirely of written words.”

2. N.C. Gen. Stat. § 14-190.13(3) defines “minor” as “an individual who is less than eighteen (18) years old and is not married or judicially emancipated.”

3. N.C. Gen. Stat. § 14-190.13(5) defines sexual activity.

4. N.C. Gen. Stat. § 14-190.13(3a) provides that “[m]aterial is obscene if it meets all of the following criteria:

- a. The material depicts or describes in a patently offensive way sexual activity.
- b. The average person applying contemporary community standards relating to the depiction or description of sexual matters would find that the material taken as a whole appeals to the prurient interest in sex.

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- c. The material lacks serious literary, artistic, political, or scientific value.
- d. The material as used is not protected or privileged under the Constitution of the United States or the Constitution of North Carolina.