

UNLAWFUL OPERATION OF AN AUDIOVISUAL RECORDING DEVICE.  
G.S. §14-440.1 MISDEMEANOR.

The defendant has been charged with unlawful operation of an audiovisual recording device.

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

First, that the defendant [operated] [attempted to operate] an audiovisual device. An audiovisual recording device is any device, capable of recording, copying, or transmitting a motion picture, or any part thereof, regardless of whether audiovisual recording is the sole or primary purpose of the device.

Second, that the defendant [operated] [attempted to operate] the audiovisual recording device in a motion picture theater. A motion picture theater means a movie theater, screening room, or other venue that is being utilized primarily for the exhibition of a motion picture at the time of the offense.

Third, that the defendant [operated] [attempted to operate] the audiovisual recording device to [transmit] [record] [make a copy of] the motion picture, or any part thereof.

And Fourth, that the defendant did so without the written consent of the motion picture theater owner.

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(Continued).

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [operated] [attempted to operate] an audiovisual recording device in a motion picture theater to [transmit] [record] [make a copy of] a motion picture without the theater owner's written consent, 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.