

FIRST DEGREE SEXUAL EXPLOITATION OF A MINOR (USING OR EMPLOYING A MINOR TO ENGAGE IN OR ASSIST OTHERS IN ENGAGING IN SEXUAL ACTIVITY). G.S. 14-190.16(a)(1). FELONY.

NOTE WELL: For offenses occurring on or after December 1, 1995 this offense is a Class D felony.

G.S. 14-190.16(c) provides that a mistake of age is not a defense to prosecution.

The defendant has been charged with first degree sexual exploitation of a minor.

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

First, that the defendant [used] [employed] [induced] [coerced] [encouraged] (or) [facilitated] a person to [engage in] (or) [assist others to engage in] sexual activity<sup>1</sup> for [a live performance] (or) [the purpose of producing material<sup>2</sup> that contains a visual representation depicting this activity].  
(Define sexual activity, i.e., masturbation) is sexual activity.

Second, that that person was a minor.<sup>3</sup>

And Third, that the defendant knew the [character] (or) [content] of the [performance] [material].

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<sup>1</sup>G.S. 14-190.13(5) defines sexual activity.

<sup>2</sup>G.S. 14-190.13(2) defines "material" as "pictures, drawings, video recordings, films or other visual depictions or representations but not material consisting entirely of written words."

<sup>3</sup>G.S. 14-190.13(3) defines "minor" as "an individual who is less than eighteen (18) years old and is not married or judicially emancipated."

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If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [used] [employed] [induced] [coerced] [encouraged] (or) [facilitated] a minor to [engage in] (or) [assist others to engage in] sexual activity for [a live performance] (or) [the purpose of producing material that contains a visual representation depicting sexual activity], and that the defendant knew the [character] (or) [content] of the [performance] [material], 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.

NOTE WELL: G.S. 14-190.16(b) states that "[i]n a prosecution under this section, the trier of fact may infer that a participant in sexual activity whom material through its title, text, visual representations, or otherwise represents or depicts as a minor is a minor."