

POSSESSION OF A PSEUDOEPHEDRINE PRODUCT WITH PRIOR CONVICTION FOR THE [[POSSESSION] WITH INTENT TO [SELL] [DELIVER]] [TRAFFICKING] [MANUFACTURE OF] A [METHAMPHETAMINE] [IMMEDIATE PRECURSOR CHEMICAL]. FELONY.

REPLACEMENT JUNE 2016

N.C. Gen. Stat. § 90-95(d1)(1)(c)

261.55 POSSESSION OF A PSEUDOEPHEDRINE PRODUCT WITH PRIOR CONVICTION FOR THE [[POSSESSION] WITH INTENT TO [SELL] [DELIVER]] [TRAFFICKING] [MANUFACTURE OF] A [METHAMPHETAMINE] [IMMEDIATE PRECURSOR CHEMICAL]. FELONY.

NOTE WELL: See N.C. Gen. Stat. § 15A-928 for provisions regarding indictment, bifurcated trial, verdict, and judgment.

The defendant has been charged with the possession of a pseudoephedrine product with a prior conviction for the [[possession] with the intent to [sell] [deliver]] [trafficking] [manufacture of] a [methamphetamine] [immediate precursor chemical¹].

For you to find the defendant guilty of this offense², the State must prove two things beyond a reasonable doubt:

First, that the defendant on (name date) possessed a pseudoephedrine product.

And Second, on (name date) in (name court) the defendant [was convicted of] [pled guilty to] [[possession] with intent to [sell] [deliver]] [trafficking] [manufacture of] a [methamphetamine] [immediate precursor chemical] in violation of the law of the [State of North Carolina] [State of (name state)] [United States].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant possessed a pseudoephedrine product and had a prior conviction for the [[possession] with intent to [sell] [deliver]] [trafficking] [manufacture of] [methamphetamine] [immediate precursor chemical], then 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 both of these

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things, then it would be your duty to return a verdict of not guilty.

1 N.C. Gen. Stat. § 90-95(d2) lists those immediate precursor chemicals to which subsection (d1) applies.

2 This instruction applies to offenses committed on or after December 1, 2015.