

SELLING OR GIVING FORTIFIED WINE, SPIRITUOUS LIQUOR OR MIXED BEVERAGES TO A PERSON LESS THAN TWENTY-ONE YEARS. G.S. 18B-302(a)(2). MISDEMEANOR.

The defendant has been charged with selling or giving [fortified wine] [spirituous liquor] [mixed beverages] to a person less than 21 years old.

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

First, that the defendant [sold] [gave] to a person [fortified wine]¹ [spirituous liquor]² [mixed beverages].³

And Second, that at the time of the [sale] [gift] that person had not yet reached his twenty-first birthday.

(It is a defense to this charge if the defendant:

[(1) Shows that the person produced [a driver's license] [a special identification card issued by the Department of Motor Vehicles] [a military identification card] [a passport] showing his age to be at least 21, and bearing a physical description of the person named on the card reasonably describing that person; (or)

[(2) Produced evidence of other facts that reasonably indicated at the time of [sale] [gift] that the person was at least 21 years old.]

And if so, the defendant would not be guilty.)⁴

¹G.S. 18B-101(7) defines fortified wine.

²G.S. 18B-101(14) defines spirituous liquor.

³G.S. 18B-101(10) defines mixed beverage.

⁴See G.S. 18B-302(d).

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If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [sold] [gave] [fortified wine] [spirituous liquor] [(a) mixed beverage(s)] to a person who at that time had not yet reached his twenty-first birthday, 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, (or if the defendant has satisfied you that the person produced [identification] (or) [other facts] reasonably showing himself to be at least 21 years old,) it would be your duty to return a verdict of not guilty.