

ATTEMPT TO PURCHASE FORTIFIED WINE, SPIRITUOUS LIQUOR OR MIXED BEVERAGES BY A PERSON LESS THAN TWENTY-ONE YEARS. G.S. 18B-302(b)(2). MISDEMEANOR.

The defendant has been charged with attempting to purchase [fortified wine] [spirituous liquor] [mixed beverages], the defendant then being less than 21 years of age.

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

First, that the defendant intended to purchase [fortified wine]¹ [spirituous liquor]² [mixed beverages]³ from another person.

Second, that at the time the defendant had this intent he performed an act that was calculated and designed to accomplish the purchase of [fortified wine] [spirituous liquor] [mixed beverages] from the seller and which came so close to bringing it about that in the ordinary and likely course of things he would have completed the purchase had he not been stopped or prevented.

(Mere preparation or planning is not enough to constitute such an act. But the act need not be the last act required to complete the offense.)

And Third, at that time the defendant was less than 21 years old.

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

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

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

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If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant intended to purchase [fortified wine] [spirituous liquor] [mixed beverages] from another person, that defendant (*describe act*), which in the ordinary course of events would have resulted in the purchase of [fortified wine] [spirituous liquor] [mixed beverages], had not the defendant been stopped or prevented from completing his apparent course of action, and at that time the defendant was less than 21 years of age, 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.