

POSSESSION OF MALT BEVERAGES WITH THE INTENT TO SELL
WITHOUT OBTAINING PERMIT OR LICENSE. G.S. 18B-304(a).
MISDEMEANOR.

The defendant has been charged with possession of malt beverages with the intent to sell without obtaining the required permit or revenue license.

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

First, that the defendant possessed malt beverages.¹ A person possesses a malt beverage when he is aware of its presence, and either by himself or together with others, has both the power and intent to control its disposition or use.

Second, that defendant had not obtained the required permit and license from the Alcohol Beverage Control Board.

And Third, that defendant intended to sell those beverages. Intent is seldom, if ever, provable by direct evidence. It must ordinarily be proved by circumstances from which it may be inferred.² If you find beyond a reasonable doubt that the defendant possessed more than 80

¹G.S. 18B-101(9) defines malt beverage as "beer, lager, malt liquor, ale, porter, and any other brewed or fermented beverage containing at least one-half of one percent (0.5%), and not more than six percent (6%), alcohol by volume."

²For further definition of intent, see N.C.P.I.--Crim. 120.10.

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liters of malt beverages, you may infer that the defendant intended to sell those malt beverages, but you are not compelled to do so. You may consider this evidence together with all other evidence in the case in determining whether the State has proved beyond a reasonable doubt that the defendant intended to sell the malt beverages.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant possessed and intended to sell malt beverages without the required permit and license, 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.