

N.C.P.I.—Crim—222.69

UNLAWFUL DEALINGS WITH [GINSENG] [GALAX] [VENUS FLYTRAP].

MISDEMEANOR.

CRIMINAL VOLUME

JUNE 2013

N.C. Gen. Stat. § 106-202.19 (a).

222.69 UNLAWFUL DEALINGS WITH [GINSENG] [GALAX] [VENUS FLYTRAP].
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The defendant has been charged with unlawful dealings with [gingseng] [galax] [Venus flytrap].

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

That the defendant:

- a) [[uprooted] [dug] [took] [otherwise disturbed] [removed] from another person's land [gingseng] [galax] [Venus flytrap] and did so without a written permit from the owner.¹
- b) [bought [gingseng] [galax] [Venus flytrap] outside of the buying season as set by the North Carolina Plant Conservation Board without obtaining the required documents from the person selling the [gingseng] [galax] [Venus flytrap]];
- c) [bought ginseng for the purpose of [resale] [trade] without holding a current valid permit as a ginseng dealer];
- d) [bought more than five pounds of galax for the purpose of resale or trade without a copy of the landowner's written permission and confirmation of the collection date];

¹ G.S. 106-202.19(a) goes on to state that the written permit from the owner must be "dated and valid for more than 180 days and which indicates the species or higher taxon of plants for which permission is granted; except that the incidental disturbance of protected plants during agricultural, forestry or development operations is not illegal so long as the plants are not collected for sale or commercial use."

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- e) [bought more than 50 Venus flytrap plants for the purpose of resale or trade, and not in compliance with applicable regulations].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant unlawfully

- a) [[uprooted] [dug] [took] [otherwise disturbed] [removed] from another person's land [ginseng] [galax] [Venus flytrap] and did so without a written permit from the owner.
- b) [bought [ginseng] [galax] [Venus flytrap] outside of the buying season as set by the North Carolina Plant Conservation Board without obtaining the required documents from the person selling the [ginseng] [galax] [Venus flytrap]];
- c) [bought ginseng for the purpose of [resale] [trade] without holding a current valid permit as a ginseng dealer];
- d) [bought more than five pounds of galax for the purpose of resale or trade without a copy of the landowner's written permission and confirmation of the collection date];
- e) [bought more than 50 Venus flytrap plants for the purpose of resale or trade, and not in compliance with applicable regulations],

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