

N.C.P.I.—Crim 222.75

COLLECTION OF [SEISMIC] [GEOPHYSICAL] DATA ON ANOTHER'S
PROPERTY WITHOUT WRITTEN CONSENT. MISDEMEANOR.

CRIMINAL VOLUME

JUNE 2015

N.C. Gen. Stat. § 113-395.4

222.75 COLLECTION OF [SEISMIC] [GEOPHYSICAL] DATA ON ANOTHER'S
PROPERTY WITHOUT WRITTEN CONSENT

The defendant has been charged with the collection of [seismic]
[geophysical] data on another's property without written consent.

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

First, that the defendant collected [seismic] [geophysical] data¹.

Second, this was through the physical entry of land.

And Third, the defendant did so knowingly and without written consent
of the landowner.

If you find from the evidence beyond a reasonable doubt that on or
about the alleged date the defendant collected [seismic] [geophysical] data
through the physical entry of land without the written consent of the
landowner, 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.

1 Persons conducting seismic and geophysical data collection may only conduct such
activity by undershooting from an off-site location and without physical entry to private
land, unless the landowner's consent for such activity is obtained in writing and persons
conducting seismic or geophysical data collection shall be civilly liable for any physical or
property damage determined to be a direct result of their seismic or geophysical data
collection activities, whether or not the seismic or geophysical data collection was conducted
by undershooting the land at an off-site location or by physical entry to land as permitted by
the landowner.

