

GAMBLING. G.S. 14-292. MISDEMEANOR.

The defendant has been charged with gambling.

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

First, that the defendant [operated] [bet money on] [played at] a game of chance at which any money, property, or other thing of value is bet. [(Name event) is a game of chance.] [A game is a game of chance if the element of chance predominates over the element of skill.]<sup>1</sup>

And Second, that the defendant did this knowingly.<sup>2</sup>

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant knowingly [operated] [bet money on] [played at] a game of chance at which any money, property, or other thing of value is bet, it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to either one or both of these things, it would be your duty to return a verdict of not guilty.

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<sup>1</sup>The jury may be further instructed that if the game was one of skill as to the participants, e.g., baseball, if it was a game of chance as to the defendant, then it was a "game of chance" for the purposes of the offense charged.

<sup>2</sup>See State v. Mayo, 27 N.C. App. 336 (1975).

