

FIRST DEGREE SEXUAL EXPLOITATION OF A MINOR BY PHOTOGRAPHING,  
ETC. G.S. 14-190.16(a)(4). FELONY.

NOTE WELL: For offenses occurring on or after December  
1, 1995 this offense is a Class D felony.

G.S. 14-190.16(c) provides that a mistake of age is not  
a defense to prosecution.

The defendant has been charged with first degree sexual  
exploitation of a minor.<sup>1</sup>

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

First, that the defendant [recorded] [photographed] [filmed]  
[developed] (or) [duplicated] material<sup>2</sup> for [sale] (or)  
[pecuniary gain].

Second, that the material contained a visual representation  
depicting a person engaged in sexual activity.<sup>3</sup> (*Define sexual  
activity, i.e., masturbation) is sexual activity.*

Third, and that person was a minor.

And Fourth, that the defendant knew the material's  
[character] [content].

If you find from the evidence beyond a reasonable doubt that  
on or about the alleged date, the defendant [recorded]

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<sup>1</sup>G.S. 14-190.13(3) defines minor as "an individual who is less than  
eighteen (18) years old and is not married or judicially emancipated."

<sup>2</sup>G.S. 14-190.13(2) defines material as "pictures, drawings, video  
recordings, films or other visual depictions or representations but not  
material consisting entirely of written words."

<sup>3</sup>G.S. 14-190.13(5) defines sexual activity.

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[photographed] [filmed] [developed] (or) [duplicated] for [sale] (or) [pecuniary gain] material that contained a visual representation depicting a minor engaged in sexual activity and that the defendant knew the [character] (or) [content] of the material, 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.

NOTE WELL: G.S. 14-190.16(b) states that "[i]n a prosecution under this section, the trier of fact may infer that a participant in sexual activity whom material through its title, text, visual representations, or otherwise represents or depicts as a minor is a minor."