

ATTEMPT TO [FOIL] [DEFEAT] A [DRUG] [ALCOHOL] SCREENING TEST BY THE [[SUBSTITUTION] [SPIKING] OF A URINE SAMPLE] [ADVERTISEMENT OF A [SAMPLE SUBSTITUTION] [SPIKING DEVICE OR MEASURE]]. MISDEMEANOR; FELONY.¹ G.S. 14-401.20(a)(2).

NOTE WELL: See G.S. 15A-928 for provisions regarding indictment, bifurcated trial, verdict and judgment.

The defendant has been charged with attempting to [foil] [defeat] a [drug] [alcohol] screening test by the [[substitution] [spiking] of a urine sample] [[advertisement of a [sample substitution] [spiking device or measure]].

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

First, that the defendant [substituted] [spiked] a urine sample] [advertised a [urine sample substitution] [spiking device or measure]];

And Second, that the defendant acted with the intent to [foil] [defeat] a [drug] [alcohol] screening test.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant [[substituted] [spiked] a urine sample] [advertised a [urine sample substitution] [spiking device or measure]] and that the defendant acted with the intent to [foil] [defeat] a [drug] [alcohol] screening test, it would be your duty to return a verdict of

¹For a first offense under this section, the person is guilty of a Class 1 misdemeanor. For a second or subsequent offense under this section, the person is guilty of a Class I felony.

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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.