

N.C.P.I.—Crim-261.51

PSEUDOEPHEDRINE SALES—PURCHASER. FELONY, MISDEMEANOR.

GENERAL CRIMINAL VOLUME

JUNE 2013

N.C. Gen. Stat. §§ 90-113.56, 90-113.53, 90-113.52A, 90-113.52 (c).

261.51 PSEUDOEPHEDRINE SALES—PURCHASER. FELONY, MISDEMEANOR.

NOTE WELL: For a first offense, the retailer would be guilty of a misdemeanor. For a second or subsequent offense, the retailer would be guilty of a felony.

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

The defendant has been charged with failing to lawfully purchase a pseudoephedrine product.

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

First, that the defendant was a purchaser¹;

Second, that the defendant willfully and knowingly

a) [[purchased] [attempted to purchase] at retail more than 3.6 grams of any pseudoephedrine products in a single calendar day]

b) [[purchased] [attempted to purchase] at retail more than 9 grams of pseudoephedrine products within any 30-day period];

(And Third, that on (*name date*) the defendant in (*name court*) [was convicted of] [pled guilty to] the crime of (describe pseudoephedrine sales crime under G.S. 90-113.56), that was committed on (*name date*) in violation of the laws of the [State of North Carolina] [State of (*name other state*)] [United States].)

If you find from the evidence beyond a reasonable doubt that on or

¹ "Purchase" is defined as "the act or an instance of buying." Black's Law Dictionary, 1062 (Bryan A. Garner, Abridged 9th ed. 2010).

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about the alleged date the defendant willfully and knowingly, [[purchased] [attempted to purchase] at retail more than 3.6 grams of any pseudoephedrine products in a single calendar day] [[purchased] [attempted to purchase] at retail more than 9 grams of pseudoephedrine products within any 30-day period], (and that on (*name date*) the defendant in (*name court*) [was convicted of] [pled guilty to] the crime of (describe pseudoephedrine sales crime under G.S. 90-113.56), that was committed on (*name date*) in violation of the laws of the [State of North Carolina] [State of (*name other state*)] [United States]), 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.