

CONSUMING MALT BEVERAGE OR UNFORTIFIED WINE BY THE DRIVER OF MOTOR VEHICLE. G.S. 18B-401(a). MISDEMEANOR.

The defendant has been charged with consuming [a malt beverage] [unfortified wine] while driving a motor vehicle on a [highway] [public vehicular area].

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

First, that the defendant was driving a motor vehicle<sup>1</sup> on a [highway]<sup>2</sup> [public vehicular area].<sup>3</sup>

And Second, that at that time the defendant was consuming [a malt beverage]<sup>4</sup> [unfortified wine].<sup>5</sup>

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant consumed [a malt beverage] [unfortified wine] while driving a motor vehicle on a [highway] [public vehicular area] 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 both of these things, it would be your duty to return a verdict of not guilty.

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<sup>1</sup>Motor vehicle is defined by G.S. 20-4.01(23).

<sup>2</sup>Highway is defined by G.S. 20-4.01(13).

<sup>3</sup>Public vehicular area is defined in G.S. 20-4.01(32).

<sup>4</sup>G.S. 18B-101(9) defines malt beverage as "beer, lager, malt liquor, ale, porter, and any other brewed or fermented beverage containing at least one-half of one percent (0.5%), and not more than six percent (6%), alcohol by volume."

<sup>5</sup>G.S. 18B-101(15) defines unfortified wine as "wine that has an alcoholic content produced only by natural fermentation or by the addition of pure cane, beet, or dextrose sugar."

