

FRAUDULENT USE OF IDENTIFICATION BY AN UNDERAGE PERSON IN OBTAINING OR ATTEMPTING TO OBTAIN ALCOHOLIC BEVERAGE. G.S. 18B-302(e); 18B-302(b). MISDEMEANOR.<sup>1</sup>

The defendant has been charged with fraudulent use of identification in [obtaining] (or) [attempting to obtain] an alcoholic beverage.

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

First, that the defendant used [a fraudulent or altered driver's license] [a fraudulent or altered identification document] [a driver's license issued to another person] [an identification document issued to another person] in [obtaining] [attempting to obtain] an alcoholic beverage. (*Describe alcoholic beverage*).<sup>2</sup>

Second, that the defendant knew that the document he used was [fraudulent] [altered] [issued to another person].

And Third, at that time the defendant had not reached his twenty-first birthday.<sup>3</sup>

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant knowingly used a(n) [fraudulent or altered driver's license] [fraudulent or altered

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<sup>1</sup>G.S. 18B-302(c)(1) states that any person who is under the lawful age to purchase and who aids and abets another underage person to purchase or sell alcoholic beverages shall be guilty of a Class 2 misdemeanor. (*Cf.*) G.S. 14-5.2 stands for the proposition that every person who would be guilty as an accessory before the fact shall be guilty and punishable as a principal. G.S. 18B-302(i) states that purchase or possession of an alcoholic beverage by a 19 or 20 year old is a Class 3 misdemeanor.

<sup>2</sup>G.S. 18B-101(4) defines "alcoholic beverage".

<sup>3</sup>See Footnote 1 for class of misdemeanor.

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identification document] [driver's license issued to another person] [identification document issued to another person] to [obtain] [attempt to obtain] an alcoholic beverage and that the defendant was then less than twenty-one years old, it would be your duty to return a verdict of guilty.<sup>4</sup> If you do not so find, or if you have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

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<sup>4</sup>A defendant found guilty of this charge may also be guilty of the purchase or possession law, G.S. 18B-302(b). See N.C.P.I.--Crim. 272.17.