

FIRELIGHTING OR SPOTLIGHTING (TAKING DEER BY ARTIFICIAL LIGHT).
G.S. §§ 113-291.1(b)(2), 113-130(7), 113-294(e). MISDEMEANOR.

The defendant has been charged with unlawfully taking a deer with the aid of an artificial light.

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

First, that the defendant took¹ a deer. A person takes a deer when he

^a[intentionally² [captures] [kills] [harms] [pursues] [hunts] [reduces to possession] a deer] (or)

^b[intends² to [capture] [kill] [harm] [pursue] [hunt] [reduce to possession] a deer and engages in any operation constituting ^{b1}[immediate preparation for an attempt to do so] ^{b2}[an attempt to do so] ^{b3}[conduct immediately

subsequent to an attempt to do so]]. (*Describe defendant's conduct, e.g., parking a pick-up truck beside an open field with a loaded rifle handy in the cab*) would be such an operation).

Second, that the defendant did so with the aid of an artificial light.

¹"To take" is defined as "all operations during, immediately preparatory and immediately subsequent to an attempt, whether successful or not, to capture, kill, pursue, hunt, or otherwise harm or reduce to possession . . ." G.S. § 113-130(7).

²If a further definition of intent is required, see N.C.P.I.--Crim. 120.10.

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(Continued.)

And Third, that the defendant did so after (*give time one half hour after sunset*) and before (*give time one half hour before sunrise*).

If you find from the evidence beyond a reasonable doubt that during the night on or about the alleged date the defendant^a[intentionally (*describe conduct constituting successful attempt, e.g., shot*) a deer] ^b[intended to [capture] [kill] [harm] [pursue] [hunt] [reduce to possession] a deer] and in order to do so (*describe conduct constituting unsuccessful attempt or immediate preparation for an attempt, e.g., parked his pickup at the side of rural unpaved road 1407 adjacent to Joe Doe's cornfield with a loaded rifle handy in the cab*)], and that the defendant did so with the aid of an artificial light and that he did so after (*give time one half hour after sunset*) and before (*give time one half hour before sunrise*), 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.