

TAKING A DEER FROM A BOAT. G.S. 113-109(e). MISDEMEANOR.

The defendant has been charged with [taking] [attempting to take] [killing] [attempting to kill] a deer from a [boat] [floating device].

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

First, that the defendant [took]<sup>1</sup> [attempted to take]<sup>2</sup> [killed] [attempted to kill] a deer.

And Second, he did this while on a [boat] [floating device].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant while on a [[boat] [floating device]] [[took] [attempted to take] [killed] [attempted to kill]] a deer, 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.<sup>3</sup>

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<sup>1</sup>Taking a deer may be defined for the purposes of this offense as the killing, wounding, maiming, or capturing of a deer, or any other course of action intended to give a person control and/or possession of a deer.

<sup>2</sup>If a further definition of attempt is desired, see N.C.P.I.--Crim. 201.10.

<sup>3</sup>G.S. 113-109(e) does not apply to the following counties: Beaufort, Bertie, Burke, Camden, Carteret, Cherokee, Chowan, Columbus, Craven, Cumberland, Currituck, Dare, Edgecombe, Gates, Hertford, Hoke, Lenior, Martin, Northampton, Pamlico, Pasquotank, Perquimans, Person, Robeson, Surry, Swain, Tyrrell, Washington and Yadkin.

