

ENTRAPMENT.¹

The defendant has raised the defense of entrapment. Entrapment occurs when a person acting on behalf of a governmental agency induces the defendant to commit a crime not contemplated by the defendant for the purpose of instituting a criminal charge against him. Entrapment is a complete defense to the crime charged.

The burden of proving entrapment is upon the defendant. However, the defendant is not required to prove entrapment beyond a reasonable doubt, but only to your satisfaction. For you to find that the defendant was entrapped, you must be satisfied of three things:

First, that the criminal intent to commit (*name crime*) did not originate in the mind of the defendant.

Second, that the defendant was induced by another person to act. Merely providing an opportunity to commit (*name crime*) by a person would not be sufficient inducement. It must appear that that person used persuasion or trickery to cause the defendant to commit this crime which he was not otherwise willing to do.

And Third, that this person acted on behalf of a governmental agency.

If you are satisfied from the evidence that the criminal intent did not originate in the mind of the defendant and that

¹Evidence of entrapment, at times, can be so overwhelming as to constitute entrapment as a matter of law. State v. Stanley, 288 N.C. 19 (1975).

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another person induced the defendant by persuasion or trickery to commit (*name crime*), which he was not otherwise willing to do, and that person acted on behalf of a governmental agency, then you must return a verdict of not guilty.