

Ala. Code 1975, § 13A-8-82
Selling, Renting or Possessing Unlawful Recorded Device

The defendant is charged with selling, renting or possessing an unlawful recorded device.

A person commits the crime of selling, renting or possessing an unlawful recorded device if he/she knowingly sells, rents, causes to be sold or rented, or possesses for the purpose of selling or renting a recorded device that has been produced, manufactured, distributed or acquired in violation of law.

To convict, the State must prove beyond a reasonable doubt each of the following elements:

- (1) The Defendant sold, rented, caused to be sold or rented, or possessed for the purpose of selling or renting a recorded device, **[Insert description];**
- (2) The recorded device was produced, manufactured, distributed or acquired in violation of law, **[Insert provision];**
(AND)
- (3) The Defendant did so knowingly.

The term “*recorded device*” means the tangible medium upon which sounds or images are recorded or otherwise stored, and includes any phonograph record, disc, wire, tape, videocassette, film, or other medium now known or later developed on which sounds or images are recorded or otherwise stored. [13A-8-83]

[Insert the instruction for the law alleged to have been violated.]

A person acts *knowingly* with respect to conduct or to a circumstance described by a statute defining an offense he/she is aware that his/her conduct is of that nature or that the circumstance exists. [13A-2-2(2)]

If you find from the evidence that the State has proved beyond a reasonable doubt each of the elements of selling, renting or possessing an unlawful recorded device, then you shall find the defendant guilty of selling, renting or possessing an unlawful recorded device.

If you find from the evidence that the State has failed to prove

beyond a reasonable doubt any one or more of the elements of selling, renting or possessing an unlawful recorded device, then you shall find the defendant not guilty of selling, renting or possessing an unlawful recorded device.

If you find the defendant guilty of selling, renting or possessing an unlawful recorded device, then it shall be your duty to determine the number of offenses as follows:

(a) Each separate sale, rental or possession for sale or rental of any recording shall constitute a separate offense;

(b) Determine whether the State has proved beyond a reasonable doubt that the number was not less than 100 unlawful sound recordings or not less than 7 unlawful audio visual recordings.

(c) You shall enter your verdict on a special verdict form which I will provide you.

[Approved October 18, 2019].