

Gambling

Poker Is a Game of Chance Under G.S. 14-292

Joker Club, LLC v. Hardin, 183 NC App 92 (06-123) (1 May 2007)

The trial court did not err by denying plaintiff's request for injunctive relief against defendant former district attorney's conclusion that poker is a game of chance that is illegal under N.C.G.S. § 14-292, because: (1) chance predominates over skill when poker presents players with different hands, making the players unequal in the game and subject to defeat at the turn of a card; (2) although skills such as knowledge of human psychology, bluffing, and the ability to calculate and analyze odds make it more likely for skilled players to defeat novices, novices may yet prevail with a simple run of luck; (3) the instrumentality for victory is not entirely in the player's hand; and (4) in poker, a skilled player may give himself a statistical advantage but is always subject to defeat at the turn of a card which is an instrumentality beyond his control.

Gambling; Taxation--ad valorem taxes--discovered property provision--illegal gaming machines

State v. Childers, 154 NCA 375 (2002)

The trial court did not err by presenting the charge of possession of illegal gaming machines to the jury even though defendant contends the law under N.C.G.S. § 105-312(e) does not require that the machines actually be listed for ad valorem property tax purposes prior to 31 January 2000, because: (1) the machines seized were not installed, in operation, and available for play until 1 October 2000, almost three months after the 30 June 2000 deadline provided under N.C.G.S. § 14-306.1(a)(1); (2) county tax records showed that the machines were not listed for tax purposes until 28 September 2000 which was not by 31 January 2000; and (3) defendant's use of the discovered property provision under N.C.G.S. § 105-312(e) to legitimate activity prohibited by N.C.G.S. § 14-306.1(a)(1) is contrary to its plain meaning and the legislature's intent.