

222.10. WILLFUL AND WANTON INJURY TO RESIDENTIAL REAL PROPERTY.
FELONY.

The defendant has been charged with willful and wanton [damage to] [injury to] [destruction of] residential real property.¹

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

First, that the defendant [damaged] [injured] [destroyed] (*describe property*) of (*name owner*). (*Describe property*) is residential real property.

Second, that the [damage] [injury] [destruction] of the residential real property resulted in damages valued at one thousand dollars (\$1,000) or more.

And Third, that the defendant did this willfully and wantonly; that is, intentionally and without justification or excuse and without regard for the consequences or the rights of others.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant willfully and wantonly [damaged] [injured] [destroyed] (*describe residential real property*), and the [damage] [injury] [destruction] of the residential real property resulted in damages valued at one thousand dollars (\$1,000) or more, 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.²

1. N.C. Gen. Stat. § 14-118.11 defines “residential real property” as “real property located in the State of North Carolina upon which there is located or is to be located a structure or structures designed principally for residential purposes, including, but not limited to, individual units of townhouses, condominiums, and cooperatives.”

2. If there is to be instruction on lesser included offenses, the last phrase should be: “...you will not return a verdict of guilty of felony willful and wanton injury to real property,

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but would consider misdemeanor willful and wanton injury to real property.” The jury would be instructed pursuant to N.C.P.I.—Crim. 222.15.