

222.42. [CUTTING] [INJURING] [REMOVING] ANOTHER’S TIMBER.

The defendant has been charged with [cutting] [injuring] [removing] another’s timber.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 knowingly and willfully [cut down] [injured] [removed] any timber.

Second, that defendant did so [[without the consent of [the owner of the land] [the owner of the timber]] [[without a lawful easement running with the land]].

And Third, that the timber was owned by another person².

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant knowingly and willfully [cut down] [injured] [removed] any timber [[without the consent of [the owner of the land] [the owner of the timber]] [[without a lawful easement running with the land]] that was owned by another person, it would be your duty to return a verdict of guilty. If you do not so find or if you have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

1. N.C. Gen. Stat. § 14-135(b)(1) provides that “[a] person is not guilty of an offense under subdivision (1) of subsection (a) of this section if the person is an employee or agent of an electric power supplier, as defined in G.S. 62-133.8, and either of the following conditions is met: a. The person believed in good faith that consent of the owner had been obtained prior to cutting down, injuring, or removing the timber. b. The person believed in good faith that the cutting down, injuring, or removing of the timber was permitted by a utility easement or was necessary to remove a tree hazard. For purposes of this sub-subdivision, subsection, the term ‘tree hazard’ includes a dead or dying tree, dead parts of a living tree, or an unstable living tree that is within striking distance of an electric transmission line, electric distribution line, or electric equipment and constitutes a hazard to the line or equipment in the event of a tree failure.”

N.C.P.I.—Crim. 222.42

[CUTTING] [INJURING] [REMOVING] ANOTHER'S TIMBER.

GENERAL CRIMINAL VOLUME

REPLACEMENT SEPTEMBER 2024

N.C. Gen. Stat. §§ 14-135(a)(1)

2. "Person" is defined as "any individual, association, consortium, corporation, partnership, unit of State or local government, or other group, entity, or organization." N.C. Gen. Stat. § 14-135(f).