

N.C.P.I.—Crim. 222.43

[AIDING] [HIRING] [COUNSELING] AN INDIVIDUAL TO [CUT] [INJURE]
[REMOVE] ANOTHER'S TIMBER.

GENERAL CRIMINAL VOLUME

SEPTEMBER 2024

N.C. Gen. Stat. §§ 14-135(a)(3)

222.43. [AIDING] [HIRING] [COUNSELING] AN INDIVIDUAL TO [CUT]
[INJURE] [REMOVE] ANOTHER'S TIMBER.

The defendant has been charged with [aiding] [hiring] [counseling] an individual to [cut] [injure] [remove] 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 [aided] [hired] [counseled] an individual to [cut down] [injure] [remove] any timber.

Second, that the 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 [aided] [hired] [counseled] an individual to [cut down] [injure] [remove] any timber owned by another person [[without the consent of [the owner of the land] [the owner of the timber]] [[without a lawful easement running with the land]], 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)(3) provides that "[a] person is not guilty of an offense under subdivision (3) of subsection (a) of this section if the person is 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 aiding, hiring, or counseling the individual to cut down, injure, or remove 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."

N.C.P.I.—Crim. 222.43

[AIDING] [HIRING] [COUNSELING] AN INDIVIDUAL TO [CUT] [INJURE]
[REMOVE] ANOTHER'S TIMBER.

GENERAL CRIMINAL VOLUME

SEPTEMBER 2024

N.C. Gen. Stat. §§ 14-135(a)(3)

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).