

215.60 BURNING CAUSED DURING COMMISSION OF ANOTHER FELONY.
FELONY.

The defendant has been charged with a burning caused while committing another felony.¹

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

First, that the defendant committed the felony of (*name felony within Article 15 of Chapter 14 of the General Statutes*). (*Define the felony and enumerate its elements using the Pattern Jury Instruction for that felony.*)

Second, that the defendant knowingly² damaged (*describe structure*) during the commission of this felony.

Third, that this (*describe structure*) was a [dwelling] [structure] [building] [conveyance]³.

Fourth, that the defendant damaged (*describe structure*) by means of fire or explosive.

And Fifth, that the resulting damage was valued at \$10,000 or more.

FINAL MANDATE

NOTE WELL: Here give the mandate for the felony described in the first element above, stopping before "it would be your duty . . ." and then continue as follows"

And that while committing another felony, (*name felony*), knowingly damaged (*describe structure*), and that this (*describe structure*) was a [dwelling] [structure] [building] [conveyance], which resulted in damages of \$10,000 or more by means of fire or explosive, 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.⁴

1 N.C. Gen. Stat. § 14-67.2(b) also makes it an offense to aid, abet, advise, encourage, hire, counsel, or procure another person who causes a burning while committing another felony. If the defendant is prosecuted under this statute, use the elements of N.C.P.I.—Crim. 202.20 (Aiding and Abetting) and incorporate this instruction as indicated therein.

2 “Knowingly” means that the defendant knew what the defendant was about to do, and, with such knowledge, proceeded to do the act charged. *State v. Williams*, 266 N.C. App. 393, 399 (2013).

3 Any conveyance referenced in N.C. Gen. Stat. Ch. 14 Art. 15.

4 If there are lesser included offenses, the last phrase should read, “. . . you would not return a verdict of guilty of a burning caused while committing another felony, but would consider whether the defendant is guilty of”