

N.C.P.I.—Crim—216.85

[CUTTING] [MUTILATING] [DEFACING] [OTHERWISE INJURING] PROPERTY TO OBTAIN NONFERROUS METALS—SERIOUS INJURY. MISDEMEANOR.

CRIMINAL VOLUME

June 2013

N.C. Gen. Stat. § 14-159.4 (c)(2).

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NOTE WELL: Use this instruction when a person suffers serious injury. When a person suffers serious bodily injury, use N.C.P.I. Crim. 216.86.

The defendant has been charged with [cutting] [mutilating] [defacing] [otherwise injuring] property to obtain nonferrous metals¹ resulting in serious injury.

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

First, that the defendant acted willfully and wantonly;

Second, that the defendant [cut] [mutilated] [defaced] [(*describe other injury*)] the [personal] [real] property² of another including the [fixtures] [improvements] for the purpose of obtaining nonferrous metals in any amount;

And Third, that another person suffered serious injury³. Serious injury is injury that causes great pain and suffering.

1 G.S. 14-159.4 (a) describes nonferrous metals as “metals not containing significant quantities of iron or steel, including, but not limited to, copper wire, copper clad steel wire, copper pipe, copper bars, copper sheeting, aluminum other than aluminum cans, a product that is a mixture of aluminum and copper, catalytic converters, lead-acid batteries, and stainless steel beer kegs or containers.”

2 G.S. 14-159.4 (d) emphasizes that this section “does not create or impose a duty of care upon the owner of personal or real property that would not otherwise exist under common law.”

3 G.S. 14-159.4 (c)(2) states, “unless the conduct is covered under some other provision of law providing greater punishment, a violation of this section is punishable as a Class F felony.”

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If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant willfully and wantonly [cut] [mutilated] [defaced] [*describe other injury*] the [personal] [real] property of another including the [fixtures] [improvements] for the purpose of obtaining nonferrous metals in any amount, and that another person suffered serious injury, 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, then it would be your duty to return a verdict of not guilty.