

N.C.P.I.—Crim—216.86

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

CRIMINAL VOLUME

JUNE 2013

N.C. Gen. Stat. § 14-159.4 (c)(3).

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*NOTE WELL: Use this instruction when a person suffers serious bodily injury. When a person suffers serious injury, use N.C.P.I. Crim. 216.85.*

The defendant has been charged with [cutting] [mutilating] [defacing] [otherwise injuring] property to obtain nonferrous metals<sup>1</sup> resulting in serious bodily 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] property<sup>2</sup> of another including the [fixtures] [improvements] for the purpose of obtaining nonferrous metals in any amount;

And Third, that another person suffered serious bodily injury<sup>3</sup>. Serious bodily injury is any bodily injury that creates a substantial risk of death, or

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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)(3) states, “unless the conduct is covered under some other provision of law providing greater punishment, a violation of this section that results in serious bodily injury to another person is punishable as a Class F felony.”

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that causes serious permanent disfigurement, coma, a permanent or  
protracted condition that causes extreme pain, or permanent or protracted  
loss or impairment of the function of any bodily member or organ, or that  
results in prolonged hospitalization.

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  
bodily 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.