

N.C.P.I.—Crim—216.88

[CUTTING] [MUTILATING] [DEFACING] [OTHERWISE INJURING] PROPERTY TO OBTAIN NONFERROUS METALS—CRITICAL INFRASTRUCTURE.

MISDEMEANOR.

CRIMINAL VOLUME

JUNE 2013

N.C. Gen. Stat. § 14-159.4 (c)(5).

216.88 TO OBTAIN NONFERROUS METALS—CRITICAL INFRASTRUCTURE.
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The defendant has been charged with [cutting] [mutilating] [defacing] [otherwise injuring] property to obtain nonferrous metals¹.

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*)] any [personal] [real] property² of another including any [fixtures] [improvements] for the purpose of obtaining nonferrous metals in any amount;

And Third, that the defendant disrupted the [communication] [electrical] service of more than ten customers of a(n) [communication] [electrical] service.³

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 This also applies to affecting “critical infrastructure,” which is not defined by G.S. 14-159.4. The Homeland Security Website defines “critical infrastructure” as “the assets, systems, and networks, whether physical or virtual, so vital to the United States that their incapacitation or destruction would have a debilitating effect on security, national economic

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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*] any [personal] [real] property of another including any [fixtures] [improvements] for the purpose of obtaining nonferrous metals in any amount, and that the defendant disrupted the [communication] [electrical] service of more than ten customers of a(n) [communication] [electrical] service, 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.