

MALICIOUS MAIMING. FELONY. G.S. 14-30.

The defendant has been charged with malicious maiming.

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

First, that the defendant [cut off] [disabled] [put out] the victim's [tongue] [eye], thereby permanently injuring him.

Second, that the defendant acted unlawfully and with the intent to [murder] [maim] [disfigure]<sup>1</sup> the victim.

And Third, that the defendant acted with malice aforethought, that is, that he formed the intent to maim before doing it. Malice means not only hatred, ill will, or spite as it is ordinarily understood--to be sure, that is malice--but it also means the condition of mind which prompts a person to intentionally inflict serious bodily harm which proximately results in injury without just cause, excuse, or justification. You may consider this along with all other facts and circumstances in determining whether the defendant's act was unlawful and whether it was done with malice.

NOTE WELL: *If self-defense is an issue, use N.C.P.I.--Crim. 308.40 or 308.45, as appropriate.*

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant, with malice aforethought, unlawfully and with the intent to [kill] [maim]

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<sup>1</sup>If a definition of intent is required, see N.C.P.I.--Crim. 120.10.

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[disfigure] the victim, [cut off] [disabled] [put out] the victim's [tongue] [eye] thereby permanently injuring the victim, 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 guilty or not guilty.

NOTE WELL: *If self-defense is an issue, use N.C.P.I.--Crim. 308.40 or 308.45, as appropriate.*