

BURNING PERSONAL PROPERTY WITH INTENT TO INJURE OR PREJUDICE.
FELONY. G.S. § 14-66.

The defendant has been charged with [setting fire to]
[burning] [causing the burning of] personal property.¹

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

First, that the defendant intentionally [set fire to²]
[burned] [caused the burning of] (*describe the personal
property*).³

Second, that the defendant did so wantonly and willfully,
that is, intentionally and without justification or excuse, with

¹G.S. § 14-66 also makes it an offense to "aid, counsel or procure" the burning of personal property. If the defendant is prosecuted under this statute for "aiding" the burning of personal property, use the elements of N.C.P.I.--Crim. 202.20 or 202.20A (Aiding and Abetting) and incorporate this instruction as indicated therein. If the defendant is prosecuted under this statute for "counseling" or "procuring" the burning of personal property, use the elements of N.C.P.I.--Crim. 202.30 (Accessory Before the Fact) and incorporate this instruction as indicated (applies only to crimes committed before July 1, 1981).

²It is possible for a person to "set fire to" property without burning it. *S. v. Hall*, 93 N.C. 573 (1885). If there is some question as to whether the defendant "set fire to" the property, the jury may be told that "a person sets fire to property whenever he causes fire to come into contact with the property, even though the property may not in fact be burned, or is merely scorched or discolored by heat." If there is some question as to whether the defendant "burned" the property, the jury may be told that "a partial burning or the slightest charring is sufficient, but a mere scorching or discoloration by heat does not constitute a burning."

³G.S. 14-66 uses the terms goods, wares, merchandise, or other personal property.

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the knowledge or reasonable grounds to believe his act would endanger the rights or safety of others.⁴

And Third, that the defendant did so with the intent to injure or prejudice [the insurer] [a creditor] [the owner] [another person].⁵ (This intent may be inferred from [the nature of the act] [the manner in which the act was done] [the conduct of the parties].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant intentionally [set fire to] [burned] [caused the burning of] (*describe the personal property*), and that the defendant did so wantonly and willfully, and with the intent to injure or prejudice 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 not guilty.

⁴See S. v. Brackett, 306 N.C. 138 (1982) for a discussion of the terms willful and wanton as used in this statute. The words have substantially the same meaning.

⁵A violation of G.S. § 14-66 requires, in addition to the willful and wanton burning of personal property, that the defendant have the specific intent to injure or prejudice. See S. v. Murchinson, 39 N.C. App. 163 (1978); S. v. Wesson, 45 N.C. App. 510 (1980). For further instructions on intent, see N.C.P.I.--Crim. 120.10.