

N.C.P.I.—Crim—216.84

[CUTTING] [MUTILATING] [DEFACING] [OTHERWISE INJURING] PROPERTY TO OBTAIN NONFERROUS METALS—PROPERTY [INJURY] [LOSS IN VALUE] [REPAIRS] [LOSS INCLUDING FIXTURES OR IMPROVEMENTS] \$10,000 OR MORE. FELONY.

CRIMINAL VOLUME

JUNE 2013

N.C. Gen. Stat. § 14-159.4 (c)(1).

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

And Third, that [the direct injury to the property] [the amount of loss in value to the property] [the amount of repairs necessary to return the property to its condition before the act] [the property loss including fixtures or improvements] was \$10,000 or more.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant willfully and wantonly [cut] [mutilated]

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.”

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[defaced] [injured] any [personal] [real] property of another including any [fixtures] [improvements] for the purpose of obtaining nonferrous metals in any amount, and that [the direct injury to the property] [the amount of loss in value to the property] [the amount of repairs necessary to return the property to its condition before the act] [the property loss including fixtures or improvements] was \$10,000 or more, 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.³

³ If there is to be an instruction on a lesser-included offense, the instruction should be amended accordingly.