

FELONIOUS INJURY TO FENCES OR WALLS INCLUDING LESSER OFFENSE. G.S. 14-144
Felony, Misdemeanor.

The defendant has been charged with unlawfully and willfully [burning¹] [destroying] [pulling down] [defacing] [injuring] [removing] a [[fence] [wall] [other enclosure (*describe enclosure*)]] [surrounding] [about] a [yard] [garden] [cultivated field or pasture] [church] [graveyard] [factory] [house in which machinery is used] resulting in damage of more than five thousand dollars (\$5,000).

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

First, that the defendant willfully, that is without justification or excuse, [burned] [destroyed] [pulled down] [defaced] [injured] [removed] a [[fence] [wall] [other enclosure (*describe enclosure*)]] [surrounding] [about] a [yard] [garden] [cultivated field or pasture] [church] [graveyard] [factory] [house in which machinery is used].

And Second, that the defendant's action resulted in damage of more than five thousand dollars (\$5,000).

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant willfully [burned] [destroyed] [pulled down] [defaced] [injured] [removed] a [[fence] [wall] [other enclosure (*describe enclosure*)]] [surrounding] ~~or~~ [about] a [yard] [garden] [cultivated field or pasture] [church] [graveyard] [factory] [house in which machinery is used] and that the defendant's action resulted in damage of more than five thousand dollars (\$5,000), it would be your duty to return a verdict of guilty of felonious injury to fences or walls. If you do not so find or have a reasonable doubt as to one or both of these things, you would not return a verdict of guilty of felonious injury to fences or walls, but you must determine whether the defendant is guilty of misdemeanor

1. Although G.S.14-144 does not include the burning of houses or other buildings, it does include the burning of fences or walls.

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injury to fences or walls. This offense differs from felonious injuring fences or walls in that it is not necessary that the State prove beyond a reasonable doubt that the damage was more than five thousand dollars (\$5,000).

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant willfully [burned] [destroyed] [pulled down] [defaced] [injured] [removed] a [[fence] [wall] [other enclosure (*describe enclosure*)]] [surrounding] [about] a [yard] [garden] [cultivated field or pasture] [church] [graveyard] [factory] [house in which machinery is used] and that the defendant's action resulted in any damage, it would be your duty to return a verdict of guilty of misdemeanor injury to fences or walls. If you do not so find or have a reasonable doubt as to one or both of these things, it would be your duty to return a verdict of not guilty.