

208.08 MALICIOUS THROWING OF CORROSIVE ACID OR ALKALI. FELONY.

The defendant has been charged with maliciously throwing corrosive [acid] [alkali].

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

First, that the defendant [threw] [caused to be thrown] corrosive [acid) [alkali) upon the victim.

Second, that in so doing he inflicted serious injury upon the victim.¹

Third, that the defendant acted knowingly and willfully with the intent to [murder] [maim] [disfigure]² the victim.

And Fourth, that the defendant acted with malice aforethought. 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. Aforethought means that he formed the intent before acting.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant, with malice aforethought, knowingly and willfully with the intent to [murder] [maim] [disfigure] the victim [threw] [caused to be thrown] (*name corrosive acid or alkali*) upon the victim thereby inflicting serious injury upon him, 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.

N.C.P.I.—Crim. 208.08
MALICIOUS THROWING OF CORROSIVE ACID OR ALKALI. FELONY.
GENERAL CRIMINAL VOLUME
REPLACEMENT MARCH 2002
N.C. Gen. Stat. § 14-30.1

1. If further definition of "serious injury" is desired, see *S. v. Jones*, 258 N.C. 89 (1962) or *S. v. Ferguson*, 261 N.C. 558 (1964).

2. Intent to maim or disfigure a portion of the body may be inferred from an act which in fact causes such injury.