

N.C.P.I.-Crim. 213.30
MALICIOUSLY DAMAGING STATE OR LOCAL GOVERNMENT BUILDINGS BY
USE OF AN EXPLOSIVE OR INCENDIARY DEVICE. FELONY.
GENERAL CRIMINAL VOLUME
JANUARY 2004
N.C. Gen. Stat. § 14-49(b2)

213.30 MALICIOUSLY DAMAGING STATE OR LOCAL GOVERNMENT
BUILDINGS BY USE OF AN EXPLOSIVE OR INCENDIARY DEVICE.
FELONY.

*NOTE WELL: Use this instruction for offenses occurring
on or after December 1, 2003.*

The defendant has been charged with willfully and maliciously
[damaging] [aiding the damaging of] [counseling the damaging of]
[procuring the damaging of] the [State Capitol] [Legislative Building]
[Justice Building] [a building owned or occupied by [the State] [a county]
[a city] [a governmental entity]].

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

First, that the defendant [damaged] [aided the damaging of]
[counseled the damaging of] [procured the damaging of] the (a) [State
Capital Building] [State Legislative Building] [Justice Building] [building
owned or occupied by the State] [building owned or occupied by the
County of _____ (*name county*)] [building owned or occupied
by the City of _____ (*name city*)] [building owned or occupied
by _____ (*name other government entity*)].

Second, that the damage to the building was caused by the use of
an explosive or incendiary device. (*Name device*) is an explosive or
incendiary device.¹

Third, that the defendant acted willfully; that is, intentionally and
without justification or excuse.

And Fourth, that the defendant acted maliciously. Malice means
not only hatred, ill will, or spite as it is ordinarily understood- to be sure,

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that is malice, but it also means that condition of mind which prompts a person to intentionally inflict injury without just cause, excuse, or justification.

If you find from the evidence beyond a reasonable doubt that the defendant willfully and maliciously [damaged] [aided the damaging of] [counseled the damaging of] [procured the damaging of] the (a) [State Capital Building] [State Legislative Building] [Justice Building] [building owned or occupied by the State] [building owned or occupied by the County of _____ (*name county*)] [building owned or occupied by the City of _____ (*name city*)] [building owned or occupied by _____ (*name other government entity*)] and that the damage to the building was caused by the use of an explosive or incendiary device, 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.

1. Where the explosive or incendiary character of the device cannot be determined as a matter of law, this sentence should not be given. See N.C. Gen. Stat. § 14-50.1 for definition of explosive or incendiary device or material.