

N.C.P.I.-Crim. 216.87
[CUTTING] [MUTILATING] [DEFACING] [OTHERWISE INJURING]
PROPERTY TO OBTAIN NONFERROUS METALS-DEATH. FELONY.
GENERAL CRIMINAL VOLUME
JUNE 2013
N.C. Gen. Stat. § 14-159.4 (c)(4)

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The defendant has been charged with [cutting] [mutilating] [defacing] [otherwise injuring] property to obtain nonferrous metals¹ resulting in death.

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

And Third, that another person was killed³.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant willfully and wantonly [cut] [mutilated] [defaced] [*describe other injury*] the [personal] [real] property of another including the [fixtures] [improvements] for the purpose of obtaining nonferrous metals in any amount, and that another person was killed, 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.

1. N.C. Gen. Stat. § 14-159.4 (a) describes nonferrous metals as "metals not containing significant quantities of iron or steel, including, but not limited to, copper wire,

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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. N.C. Gen. Stat. § 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.”

3. N.C. Gen. Stat. § 14-159.4 (c)(4) states, “unless the conduct is covered under some other provision of law providing greater punishment, a violation of this section that results in the death of another person is punishable as a Class D felony.”