

222.18 FELONIOUS INJURY TO FENCES OR WALLS INCLUDING LESSER OFFENSE.

The defendant has been charged with unlawfully and willfully [burning<sup>1</sup>] [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 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.

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1. Although N.C. Gen. Stat. § 14-144 does not include the burning of houses or other buildings, it does include the burning of fences or walls.