

222.80 GRAFFITI VANDALISM. MISDEMEANOR.

The defendant has been charged with graffiti vandalism.

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

First, that on or about the alleged date the defendant [wrote] [scribbled] [marked] [painted] [defaced] [besmeared] (on) the [walls of (a) [[public] [private] real property]] [cemetery tombstone] [cemetery monument] [public [building] [facility]]<sup>1</sup> [statue] [monument] situated in a public place], using (a) [pen] [paint] [marker]<sup>2</sup>.

And Second, that the defendant acted unlawfully, that is, knowingly and without the consent of any person authorized to give consent.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant unlawfully [wrote] [scribbled] [marked] [painted] [defaced] [besmeared] (on) [the walls of (a) [[public] [private] real property]] [cemetery tombstone] [cemetery monument] [public [building] [facility]] [statute] [monument] situated in a public place] using (a) [pen] [paint] [marker], 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 both of these things, it would be your duty to return a verdict of not guilty.

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<sup>1</sup> N.C. Gen. Stat. § 14-132(c) defines the term "public building or facility" as used in this section, to include any building or facility which is: (1) One to which the public or a portion of the public has access and is owned or controlled by the State, any subdivision of the State, any other public agency, or any private institution or agency of a charitable, educational, or eleemosynary nature; or (2) Dedicated to the use of the general public for a purpose which is primarily concerned with public recreation, cultural activities, and other events of a public nature or character.

<sup>2</sup> The statute applies regardless of whether the pen or marker contains permanent ink, paint, or spray paint.