

223.15 WILLFUL AND WANTON INJURY TO PERSONAL PROPERTY CAUSING
DAMAGE OF MORE THAN \$200. MISDEMEANOR.

The defendant has been charged with willful and wanton injury to personal property causing damage of more than \$200.

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

First, that the defendant injured the personal property of the victim by (describe act). (*Describe property*) is personal property.¹

Second, that the defendant did this willfully and wantonly; that is, intentionally and without justification or excuse and without regard for the consequences or rights of others.

And Third, that the defendant caused damage of more than \$200.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant willfully and wantonly injured the victim's personal property, thereby causing damage of more than \$200, it would be your duty to return a verdict of guilty of willful and wanton injury to personal property causing damage of more than \$200. If you do not so find or have a reasonable doubt as to one or more of these things, you will not return a verdict of guilty of willful and wanton injury to personal property causing damage of more than \$200,² but you must determine whether the defendant is guilty of willful and wanton injury to personal property. This offense differs from willful and wanton injury to personal property causing damage of more than \$200 in that the State need not prove the amount of the damage.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant willfully and wantonly injured the victim's personal property, it would be your duty to return a verdict of guilty

N.C.P.I.—CRIM. 223.15
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GENERAL CRIMINAL VOLUME
REPLACEMENT MAY 2003
N.C. Gen. Stat. § 14-160

of willful and wanton injury to personal property. 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. For a definition of personal property, see G.S. 12- 3(6).
 2. If lesser included instructions are not to be given, the last phrase should be "... it would be your duty to return a verdict of not guilty."