

MAIMING

Crimes, Other - maiming - evidence insufficient

State v. Foy, 130 N.C. App. 466 (1998)

Defendant's motion to dismiss a charge of maiming without malice under N.C.G.S. § 14-29 should have been granted in a prosecution arising from an altercation in a jail because the State's evidence did not show that defendant bit off any part of the deputy's ear. The statute is ambiguous as to whether "bite or cut off the nose, or a lip or an ear" requires that the ear be bitten off; the ambiguity is resolved against the State and, while biting off the nose, lip, or ear of another is a proscribed act under N.C.G.S. § 14-29, merely biting the nose, lip, or ear of another is not.