

Support (Criminal)

Husband and Wife § 46 (NCI4th) abandonment by supporting spouse sufficiency of evidence

State v. Talbot, 123 N.C. App. 698 (1996) 474 S.E.2d 143

The evidence was sufficient to permit a reasonable juror to conclude that defendant intentionally abandoned his wife where it tended to show that on 6 October defendant left the marital residence taking with him some belongings; on 7 October defendant returned to gather his remaining things; at no time did he leave any money for his wife's support; and these events occurred before the wife sought a domestic violence order which ordered defendant to stay away from the marital residence for one year. Furthermore, the jury could draw a reasonable inference from the wife's testimony that defendant's affirmative acts of cruelty constituted constructive abandonment. N.C.G.S. § 14-322 (b).