

TRESPASS

Male Juvenile's Entry into School's Female Locker Room With Door Marked "Girl's Locker Room" Was Sufficient Evidence to Support Adjudication of Second-Degree Trespass

In re S.M.S., ___ N.C. App. ___, 675 S.E.2d 44 (7 April 2009).

The court ruled that a male juvenile's entry into a school's female locker room with the door marked "Girl's Locker Room" was sufficient evidence to support the juvenile's adjudication of second-degree trespass. The court noted that the door's sign was reasonably likely to give the juvenile notice that he was not authorized to go into the girls' locker room [see G.S. 14-159.13(a)(2)].

Trespass--Right to remove trespasser--Deadly force not permitted

State v Withers 179 N. C. APP. 249 (2006)

It was not permissible for defendant to use deadly force to remove a trespasser. The trial court did not err (in a first-degree murder case remanded on other grounds) by not giving an instruction that defendant had the right to evict trespassers from his property, regardless of whether the victim was in defendant's home.

Trespass--Second-degree--Refusal to leave privately owned property held open to public for legitimate purposes only

State v. Marcoplos 154 N. C. APP. 581 (2002) Aff by Supreme Ct. 357 NC 245

The trial court did not err by convicting defendants of second-degree trespass after defendants organized a group of people, after contacting the police, to go to CP&L headquarters to demand a meeting with the CEO in order to get him to sign a document agreeing to safety hearings and defendants were told three or more times that they could not see the CEO and were asked to leave but refused and were arrested, because: 1) a person may commit second-degree trespass by refusing to leave privately owned property, held open to the public for legitimate purposes only, once he no longer as a legitimate purpose on the premises and is asked to leave by a proper authority; and 2) although defendants were peaceful, the evidence sufficiently supported a finding that their continued presence disrupted the business atmosphere of the building.