

DAMAGE TO REAL PROPERTY

3. Real Property–malicious damage–instructions–malice

State v. Sexton 153 NCA 641 (2002)

There was no plain error in a prosecution for malicious damage to occupied real property in the court's instruction on express and implied malice. There is nothing in N.C.G.S. § 14-49.1 or the case law to preclude a definition of malice analogous to that used in homicide, and the instruction was taken verbatim from the Pattern Jury Instruction.