

Ala. Code 1975, § 13A-7-21(a)(2)

Criminal Mischief I
(Damage to Property Inflicted by Explosion)

The defendant is charged with criminal mischief in the first degree.

A person commits the crime of criminal mischief in the first degree if, with intent to damage property, and having no right to do so or any reasonable ground to believe that he/she has such a right, he/she inflicts damage to the property by means of an explosion.

To convict, the State must prove beyond a reasonable doubt the following:

- (1) The property **(describe)** was actually damaged;
- (2) The defendant intentionally damaged the property;
- (3) The defendant did not have a right to do so or have any reasonable ground to believe he/she had such a right; and
- (4) The damages to the property were inflicted by means of an explosion.

A person acts **intentionally** with respect to a result or to conduct when his/her purpose is to cause that result or to engage in that conduct. [13A-2-2]

[Read appropriate part]:

“*Property*” is any money, tangible or intangible personal property, property (whether real or personal) the location of which can be changed (including things growing on, affixed to, or found in land and documents, although the rights represented hereby have no physical location), contract right, chose-in-action, interest in a claim to wealth, credit, or any other article or thing of value of any kind. Commodities of a public utility nature, such as gas, electricity, steam, and water, constitute property, but the supplying of such a commodity to premises from an outside source by means of wires, pipes, conduits, or other equipment shall be deemed a rendition of a service rather than a sale or delivery of property. [13A-8-1(10)]

An “*explosion*” is a rapid, sudden and violent expansion of air or relinquishment of energy with resultant pressures that are capable of producing destructive effects on contiguous objects or of destroying life or limb. An explosion includes, but is not limited to, a sudden and rapid combustion, causing violent expansion of the air, or the sudden bursting or breaking up or in pieces from an internal or other force. An explosion is not limited to cases caused by combustion or fire, but it may result from decomposition or chemical action. [13A-7-40(3)]

If you find from the evidence that the State has proved beyond a reasonable doubt each of the above elements of the offense of criminal mischief in the first degree, then you shall find the defendant guilty of criminal mischief in the first degree.

If you find that the State has failed to prove beyond a reasonable doubt any one or more of the elements of the offense of criminal mischief in the first degree, then you cannot find the defendant guilty of criminal mischief in the first degree.

[Adopted 09-19-14.]