

**WILFUL OR WANTON DESTRUCTION OF
HOUSE OF WORSHIP, CEMETERY OR SCHOOL**

The defendant is charged with wilfully, intentionally and without right, or wantonly and without cause, destroying, defacing, marring or injuring (a church) (a synagogue) (a building, structure or place used for the purpose of burial or memorializing the dead) (a school or educational facility) (a community center) (the grounds adjacent to and owned or leased by [one of the foregoing]) (personal property contained in [one of the foregoing]), in violation of section 127A of chapter 266 of our General Laws.

In order to find the defendant guilty of this offense, the Commonwealth must prove two things beyond a reasonable doubt:

First: That the defendant destroyed, defaced, marred or injured (a church) (a synagogue) (a building, structure or place used for the purpose of burial or memorializing the dead) (a school or educational facility) (a community center) (the grounds adjacent to and owned or leased by [one of the foregoing]) (personal property contained in [one of the foregoing]);

and

Second: That the defendant's acts were *either* wilful, intentional and

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without right, or were wanton and without cause.

See Instruction 8.260 (Wanton Destruction of Property) for the definition of “wanton” and Instruction 3.120 (Intent) for definitions of “intentional” and “wilful.”

The language of the statute does not require permanent damage to the property in question. *Commonwealth v. DiPietro*, 33 Mass. App. Ct. 776, 604 N.E.2d 1344 (1992) (throwing eggs against outside wall of place of worship sufficient for conviction).

NOTE:

Threats. General Laws c. 266, § 127A, second par. also makes it a crime to threaten to burn, deface, mar, injure or in any way destroy a church, synagogue or other building or place of worship.