

N.C.P.I.-Crim. 208.03  
ASSAULT ON A(N) [LEGISLATIVE] [EXECUTIVE] [COURT] OFFICER  
INFLICTING SERIOUS BODILY INJURY. FELONY.  
GENERAL CRIMINAL VOLUME  
APRIL 2004  
N.C. Gen. Stat. § 14-16.6(c)  
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208.03 ASSAULT ON A(N) [LEGISLATIVE] [EXECUTIVE] [COURT] OFFICER  
INFLICTING SERIOUS BODILY INJURY. FELONY.

The defendant has been charged with assault on a(n) [legislative] [executive] [court] officer inflicting serious bodily injury.

For you to find the defendant guilty of this offense, the State must prove four things beyond a reasonable doubt:

First, that the defendant assaulted the victim by intentionally<sup>1</sup> (and without justification or excuse)<sup>2</sup> (*describe assault*).

Second, that the defendant inflicted serious bodily injury<sup>3</sup> upon the victim.

Third, that (*name victim*) was a(n) [legislative]<sup>4</sup> [executive]<sup>5</sup> [court]<sup>6</sup> officer. [(*Name victim's title*) was a(n) [legislative] [executive] [court] officer.]<sup>7</sup>

And Fourth, that the defendant knew or had reasonable grounds to know that the victim was a(n) [legislative] [executive] [court] officer.

*NOTE WELL: If self-defense is an issue, use N.C.P.I.-Crim. 308.40.*

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant assaulted the victim, inflicting serious bodily injury, that the victim was a(n) [legislative] [executive] [court] officer, and that the defendant knew or had reasonable grounds to know that the victim was a(n) [legislative] [executive] [court] officer, (nothing else appearing) it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not

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guilty.<sup>8</sup>

*NOTE WELL: If self-defense is an issue, use mandate  
N.C.P.I.-Crim. 308.40.<sup>9</sup>*

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1. If a definition of intent is required, see N.C.P.I.-Crim. 120.10.
  2. The parenthetical phrase should only be used where there is some evidence of justification or excuse, such as self-defense.
  3. Serious bodily injury is defined as bodily injury that creates or causes [a substantial risk of death] [serious permanent disfigurement] [a permanent or protracted condition that causes extreme pain] [permanent or protracted loss or impairment of the functions of any bodily member or organ] [prolonged hospitalization].
  4. N.C. Gen. Stat. § 147-2 The legislative officers are: the fifty Senators; One hundred and twenty members of the House of Representatives; a Speaker of the House of Representatives; a clerk and assistants in each house; a Sergeant-at-arms and assistants in each house; and as many subordinates in each house as may be deemed necessary.
  5. N.C. Gen. Stat. § 147-3(c) The general civil executive officers of this State are as follows: a Governor; a Lieutenant Governor; Private secretary for the Governor; a Secretary of State; an Auditor; a Treasurer; an Attorney General; a Superintendent of Public Instruction; the members of the Governor's Council; a Commissioner of Agriculture; a Commissioner of Labor; a Commissioner of Insurance.
  6. N.C. Gen. Stat. § 14-16.10(1) defines a court officer as Magistrate, clerk of superior court, acting clerk, assistant or deputy clerk, judge, or justice of the General court of Justice; district attorney, assistant district attorney, or any other attorney designated by the district attorney to act for the State or on behalf of the district attorney; public defender or assistant defender; court reporter; juvenile court counselor as defined in N.C. Gen. Stat. § 7B-1501(5). Effective December 1, 2003, the term "court officer" includes any attorney or other individual employed by or acting on behalf of the department of social services in proceedings pursuant to Subchapter I of Chapter 7B of the General Statutes; any attorney or other individual appointed pursuant to N.C. Gen. Stat. § 7B-601 or N.C. Gen. Stat. § 7B-1108 or employed by the Guardian *ad Litem* Services Division of the Administrative Office of the Courts.
  7. N.C. Gen. Stat. § 14-16.9 provides that any person who has been elected to any of the above-mentioned offices, but has not yet taken the oath of office, shall be considered to hold the office for the purpose of this offense.
  8. If there is to be an instruction on lesser included offenses, the last phrase should be: ". . . you will not return a verdict of guilty of assault on a(n) [legislative] [executive] [court] officer inflicting serious injury."

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9. Including self-defense in the mandate is required by *S. v. Woodson*, 31 N.C. App. 400 (1976). *Cf. S. v. Dooley*, 285 N.C. 158 (1974).