

N.C.P.I.—Crim. 208.03A

MAKING A VIOLENT ATTACK UPON THE [RESIDENCE] [OFFICE] [TEMPORARY ACCOMODATION] [MEANS OF TRANSPORT] OF A(N) [LEGISLATIVE] [EXECUTIVE] [COURT] OFFICER INFLECTING SERIOUS BODILY INJURY TO A(N) [LEGISLATIVE] [EXECUTIVE] [COURT] OFFICER. FELONY.

GENERAL CRIMINAL VOLUME

REPLACEMENT APRIL 2004

N.C. Gen. Stat. §14-16.6(c)

208.03A MAKING A VIOLENT ATTACK UPON THE [RESIDENCE] [OFFICE] [TEMPORARY ACCOMODATION] [MEANS OF TRANSPORT] OF A(N) [LEGISLATIVE] [EXECUTIVE] [COURT] OFFICER INFLECTING SERIOUS BODILY INJURY TO A(N) [LEGISLATIVE] [EXECUTIVE] [COURT] OFFICER. FELONY.

The defendant has been charged with making a violent attack upon the [residence] [office] [temporary accommodation] [means of transport] of a(n) [legislative] [executive] [court] officer, inflicting serious bodily injury to a(n) [legislative] [executive] [court] officer.

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

First, that the defendant intentionally¹ (and without justification or excuse)² made a violent attack upon the [residence] [office] [temporary accommodation] [means of transport] of the victim. A violent attack is the use of extreme force with the intent to inflict harm or destruction.

Second, that the victim was a(n) [legislative]³ [executive]⁴ [court]⁵ officer. [(*Name victim's title*) is a [legislative] [executive] [court] officer.]⁶

Third, that defendant knew or had reasonable grounds to know that (*name residence, office, temporary accommodation, or means of transport*) was the [residence] [office] [temporary accommodation] [means of transport] of a(n) [legislative] [executive] [court] officer.

Fourth, that such violent attack was made in a manner likely to endanger the victim.

And Fifth, that defendant inflicted serious bodily injury⁷ to the victim.

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 G.S. 7B-601 or G.S. 7B-1108 or employed by the Guardian ad Litem Services Division of the Administrative Office of the Courts.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intentionally made a violent attack on (*name residence, office, temporary accommodation, or means of transport*) of (*name victim*) that (*name victim*), was a(n) [legislative] [executive] [court] officer, that the defendant knew or had reasonable grounds to know that (*name residence, office, temporary accommodation, or means of transport*) was the [residence] [office] [temporary accommodation] [means of transport] of a(n) [legislative] [executive] [court] officer, and that the attack was made in a manner likely to endanger the victim, and inflicted serious bodily injury to the victim, (nothing else appearing)⁸ 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 guilty.⁹

1. If a Definition of Intent is needed, see N.C.P.I.—Crim. 120.10.

2. The parenthetical phrase should only be used where there is evidence of justification or excuse.

3. G.S. 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.

4. G.S. 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.

5. G.S. 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 G.S. 7B-1501(5). Effective December 1,

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6. G.S. 14-16.79 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.

7. Serious bodily injury is defined as bodily injury that creates or causes [a substantial risk of death] [serious permanent disfigurement] [coma] [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].

8. The parenthetical phrase should only be used where there is evidence of justification or excuse.

9. 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 making a violent attack upon the [residence] [office] [temporary accommodation] [means of transport] of a (n) [legislative] [executive] [court] officer inflicting serious bodily injury to a (n) [legislative] [executive] [court] officer."