

208.83 ASSAULT UPON A SCHOOL EMPLOYEE OR VOLUNTEER.
MISDEMEANOR.

The defendant is charged with assault¹ upon a school [employee] [volunteer].

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 intentionally.²
(*Describe the assault.*)

Second, that the victim was a school [employee] [volunteer].³

Third, that the victim was assaulted:

a) while [discharging] [attempting to discharge] *his* duties⁴ as a school [employee] [volunteer].

b) as a result of the [discharge of] [attempt to discharge] *his* duties as a school [employee] [volunteer].

And Fourth, that the defendant knew or had reasonable grounds to know that the victim was a school [employee] [volunteer].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intentionally assaulted the victim, that the victim was a school [employee] [volunteer], that the victim was assaulted [while discharging] [while attempting to discharge] [as a result of the [discharge] [attempt to discharge]] *his* duties as a school [employee] [volunteer], and that the defendant knew or had reasonable grounds to know that the victim was a school [employee] [volunteer], it would be your

duty to return a verdict of guilty.⁵ 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.

1. If a definition of assault is needed, see N.C.P.I.-Crim. 120.20.

2. If a definition of intent is needed, see N.C.P.I.-Crim. 120.10.

3. See N.C. Gen. Stat. § 14-33(c)(6)(b) for definition of both.

4. See N.C. Gen. Stat. § 14-33(c)(6)(a) for the meaning of "Duties".

5. 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 upon a school [employee] [volunteer]."