

N.C.P.I.-Crim. 208.90I  
DISCHARGING A BARRELED WEAPON INTO OCCUPIED DWELLING  
INFLICTING SERIOUS BODILY INJURY. FELONY.  
GENERAL CRIMINAL VOLUME  
JUNE 2011  
N.C. Gen. Stat. § 14-34.1(c)  
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208.90I DISCHARGING A BARRELED WEAPON INTO OCCUPIED DWELLING  
INFLICTING SERIOUS BODILY INJURY. FELONY.

The defendant has been charged with discharging a barreled weapon into an occupied dwelling<sup>1</sup> 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 willfully or wantonly discharged a barreled weapon into a dwelling (without justification or excuse).<sup>2</sup> An act is willful or wanton when it is done intentionally with knowledge or a reasonable ground to believe that the act would endanger the rights or safety or others. A barreled weapon is a weapon capable of discharging shot, bullets, pellets, or other missiles at a muzzle velocity of at least 600 feet per second.

Second, that the dwelling was occupied by one or more persons at the time that the barreled weapon was discharged.

Third, that the defendant [knew] [had reasonable grounds to believe] that the dwelling was occupied by one or more persons.

And Fourth, that the defendant's action resulted in serious bodily injury<sup>3</sup> to the victim. 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].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant willfully or wantonly and

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intentionally discharged a barreled weapon into a dwelling (without justification or excuse),<sup>4</sup> while it was occupied by one or more persons, that defendant [knew] [had reasonable grounds to believe] that it was occupied by one or more persons, and that the defendant inflicted serious bodily injury, 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.<sup>5</sup>

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1. A dwelling house is a house that is inhabited, that is, a house that is the permanent, temporary, or seasonal residence of some person. A dwelling house is occupied when some person is physically present in the dwelling house at that time.

2. The parenthetical phrase should be used only where there is evidence of justification or excuse, such as self-defense.

3. See N.C.P.I.-120.11.

4. The parenthetical phrase should be used only where there is evidence of justification or excuse, such as self-defense.

5. If there is to be instruction on lesser included offenses, the last phrase should be: ". . .you will not return a verdict of guilty of discharging a barreled weapon into an occupied dwelling inflicting serious bodily injury."