

208.95 ASSAULT WITH A FIREARM ON A LAW ENFORCEMENT, PROBATION,
OR PAROLE OFFICER OR ON A PERSON EMPLOYED AT A STATE OR LOCAL
DETENTION CENTER. FELONY.

The defendant has been accused of assault with a firearm on a

- (1. [law enforcement] [probation] [parole] officer.)
- (2. person employed at a [State] [local] detention facility.)

Now I charge that for you to find the defendant guilty of this offense,
the State must prove five things beyond a reasonable doubt:

First, that the defendant assaulted the victim by intentionally¹ (and
without justification or excuse)² (*describe assault*).

Second, that the assault was committed with a firearm.³

Third, that the victim was a

- (1. [law enforcement] [probation] [parole] officer.)
- (2. person who is employed at a detention facility operated
under the jurisdiction of [the State] [a local government].)

Fourth, that the defendant knew or had reasonable grounds to know
that the victim was a

- (1. [law enforcement] [probation] (parole] officer.)
- (2. Person who is employed at a detention facility operated
under the jurisdiction of [the State] [a local government].)

And Fifth, that the victim was in the performance of his duties.
(*Describe duty, e.g., serving a warrant*) is a duty.)

So I charge that if you find from the evidence beyond a reasonable
doubt that on or about the alleged date, the defendant intentionally
assaulted with a firearm the victim who was a (1. [law enforcement]

N.C.P.I.—Crim. 208.95

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GENERAL CRIMINAL VOLUME

REPLACEMENT NOVEMBER 1998

N.C. Gen. Stat. § 14-34.5

[probation] [parole] officer,) (2. person who is employed at a detention facility operated under the jurisdiction of [the state] [a local government],) in the performance of his duties, and the defendant knew or had reasonable grounds to know that the victim was a (1. [law enforcement] [probation] [parole] officer.) (2. Person who is employed at a detention facility operated under the jurisdiction of [the State] [a local government],) it would be your duty to return a verdict of guilty. However, 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 the definition of intent is needed, 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. For definition of a "firearm" see G.S. 14-409.39(2).