

N.C.P.I.—Crim. 208.95B  
ASSAULT WITH A DEADLY WEAPON UPON AN OFFICER OR EMPLOYEE OF  
THE STATE OR OF ANY POLITICAL SUBDIVISION OF THE STATE, COMPANY  
POLICE OFFICER, OR CAMPUS POLICE OFFICER. FELONY.  
GENERAL CRIMINAL VOLUME  
REPLACEMENT DECEMBER 2023  
N.C. Gen. Stat. § 14-34.2  
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208.95B ASSAULT WITH A DEADLY WEAPON UPON AN OFFICER OR  
EMPLOYEE OF THE STATE OR OF ANY POLITICAL SUBDIVISION OF THE  
STATE, COMPANY POLICE OFFICER, OR CAMPUS POLICE OFFICER. FELONY.

*NOTE WELL: Where the victim is a law enforcement, probation, or parole officer or a person employed at a state or local detention center use N.C.P.I.—Crim. 208.95. Where the victim is a law enforcement officer and the state contends only that the officer was making or attempting to make an arrest, use N.C.P.I.—Crim. 208.81 series, where no deadly weapon was used.*

The defendant has been charged with assault with a deadly weapon upon a(n)

[(a) [officer] [employee] of [the State] [a political subdivision of the State]]

[(b) [company] [campus] police officer]<sup>1</sup> while such [officer] [employee] was in the performance of an official duty.

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 alleged victim by intentionally<sup>2</sup> (and without justification or excuse)<sup>3</sup> (*describe assault*).

Second, that the defendant used a deadly weapon. A deadly weapon is a weapon which is likely to cause death or serious bodily injury. In determining whether (*name object*) is a deadly weapon, you should consider the nature of (*name object*), the manner in which it was used, and the size and strength of the defendant as compared to the victim].

Third, that the victim was a(n)

[(a) [officer] [employee] of [the State] [a political subdivision of the State]]

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[(b) [company] [campus] police officer] and the defendant knew or had reasonable grounds to know that the victim was such a [governmental [officer] [employee] [[company] [campus] police officer]. A(n) (*state victim's title, e.g., magistrate*) is an [[officer] [employee] of [the State] [a political subdivision of the State]] [[company] [campus] police officer].

And Fourth, that the alleged victim was performing an official duty of office. (*Describe what victim was doing, e.g., issuing a warrant*) is a duty of a (*state victim's title*).

*NOTE WELL: If self-defense is an issue, use N.C.P.I.—Crim. 308.45.*

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intentionally (and without justification or excuse) assaulted the alleged victim with a (*name object*) and that (*name object*) was a deadly weapon, and that the victim was a (*state victim's title*) and that the defendant knew or had reasonable grounds to know that the victim was a (*state victim's title*), and that the alleged victim was performing an official duty of office, 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.<sup>4</sup>

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1. N.C. Gen. Stat. § 14-34.2 makes it a Class E felony to assault with a deadly weapon a company police officer certified pursuant to the provisions of Chapter 74E of the General Statutes or a campus police officer certified pursuant to the provisions of Chapter 17C or Chapter 116 of the General Statutes.

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

3. The parenthetical phrase should be used only where there is evidence of justification or excuse. If the justification is self-defense, use N.C.P.I.—Crim. 308.45.

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4. 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 with a [firearm] [deadly weapon] upon an [officer] [employee] of [the State] [a political subdivision of the State] while such [officer] [employee] was in the performance of an official duty.”