

ASSAULT ON [FIREFIGHTER] [EMERGENCY MEDICAL TECHNICIAN]
[EMERGENCY HEALTH CARE PROVIDER] [MEDICAL RESPONDER]
[EMERGENCY DEPARTMENT PERSONNEL] [LICENSED HEALTH PROVIDER].
FELONY.

GENERAL CRIMINAL VOLUME

REPLACEMENT JUNE 2018

N.C. Gen. Stat. § 14-34.6(a)

208.95D ASSAULT ON [FIREFIGHTER] [EMERGENCY MEDICAL TECHNICIAN]
[EMERGENCY HEALTH CARE PROVIDER] [MEDICAL RESPONDER] [HOSPITAL
PERSONNEL] [LICENSED HEALTH PROVIDER]. FELONY.

The defendant has been charged with assault¹ on [an emergency medical technician] [an emergency health care provider] [a medical responder] [a member of hospital personnel] [a licensed health provider] [a firefighter] [a member of hospital security personnel].

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

First, that the [alleged victim] was [an emergency medical technician] [an emergency health care provider] [a medical responder] [a member of (name hospital) personnel] [a licensed health provider] [a firefighter] [a member of (name hospital) security personnel]²;

Second, that the defendant [assaulted] the alleged victim intentionally³ (and without justification or excuse)⁴ by (describe assault);

Third, that the defendant inflicted physical injury on the alleged victim⁵;

Fourth, that the defendant knew or had reasonable grounds to know that the alleged victim was [an emergency medical technician] [an emergency health care provider] [a medical responder] [a member of (name hospital) personnel] [a licensed health provider] [a firefighter] [a member of (name hospital) security personnel];

And Fifth, that the defendant did so while the alleged victim was [discharging] [attempting to discharge] [his] [her] official duties. (Describe duties, e.g., controlling and extinguishing fires is a duty of a firefighter).

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If you find from the evidence beyond a reasonable doubt that on or about the alleged date the alleged victim was [an emergency medical technician] [an emergency health care provider] [a member of [name hospital] personnel] [a licensed health provider] [a firefighter], [a member of (name hospital) security personnel] that the defendant assaulted the alleged victim, that the defendant inflicted physical injury on the alleged victim, that the defendant knew or had reasonable grounds to know that the alleged victim was [an emergency medical technician] [an emergency health care provider] [a medical responder] [a member of [name hospital] personnel] [a licensed health provider] [a firefighter] [a member of (name hospital) security personnel], and that the defendant did so while the alleged victim was [discharging] [attempting to discharge] [his] [her] official duties, (nothing else appearing), 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, then it would be your duty to return a verdict of not guilty.⁶

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

2 N.C. Gen. Stat. § 14-34.6 (a)(3) defines emergency department personnel.

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

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

5 N.C. Gen. Stat. § 14-34.7 defines “physical injury” as to include “cuts, scrapes, bruises, or other physical injury which does not constitute serious injury.”

6 If there is to be a lesser included offense, see *e.g.*, N.C.P.I.–Crim. 208.60, 208.82 or other appropriate instructions.