

N.C.P.I.—Crim. 208.95H
ASSAULT ON AN EMERGENCY WORKER WITH A DEADLY WEAPON
INFLICTING SERIOUS INJURY. FELONY.
GENERAL CRIMINAL VOLUME
FEBRUARY 2024
N.C. Gen. Stat. § 14-32(d)

208.95H ASSAULT ON AN EMERGENCY WORKER WITH A DEADLY WEAPON
INFLICTING SERIOUS INJURY. FELONY.

The defendant has been charged with assault on an emergency worker¹ with a deadly weapon inflicting serious injury.

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

First, that the defendant assaulted a(n) [law enforcement officer] [firefighter] [emergency medical technician] [medical responder] by intentionally² (and without justification or excuse)³ (*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. [(*Name object*) is a deadly weapon.] [In determining whether (*name object*) was 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.]⁴

And Third, that the defendant inflicted serious injury⁵ upon the [law enforcement officer] [firefighter] [emergency medical technician] [medical responder].

NOTE WELL: If self-defense is an issue, use N.C.P.I.—Crim. 308.4.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intentionally (*describe assault*) a(n) [law enforcement officer] [firefighter] [emergency medical technician] [medical responder] with a (*name object*) (and that (*name object*) was a deadly weapon),⁶ thereby inflicting serious injury upon the [law enforcement officer] [firefighter] [emergency medical technician] [medical responder], (nothing else appearing)⁷ it would be your duty to return a verdict of guilty.

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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.

NOTE WELL: If self-defense is an issue, continue with mandate from N.C.P.I.—Crim. 308.45.⁸

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1. See N.C. Gen. Stat. 14-32(f).
 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 some evidence of justification or excuse, such as self-defense.
 4. Use appropriate bracketed statement. In the event that there is a dispute as to which weapon was used and one of the weapons is non-deadly as a matter of law, *e.g.*, a real pistol and a toy pistol, state what would not be a deadly weapon.
 5. Serious injury may be defined as "such physical injury as causes great pain and suffering." See *S. v. Jones*, 258 N.C. 89 (1962); *S. v. Ferguson*, 261 N.C. 558 (1964). If there is evidence as to injuries which could not conceivably be considered anything but serious, the trial judge may instruct the jury as follows: "(Describe injury) would be a serious injury." *S. v. Johnson*, 320 N.C. 746 (1987).
 6. This parenthetical phrase should only be used where the weapon is not deadly *per se*.
 7. The parenthetical phrase should be used only where there is some evidence of justification or excuse, such as self-defense.
 8. Including self-defense in the mandate is required by *S. v. Woodsen*, 31 N.C. App. 400 (1976). *Cf. S. v. Dooley*, 285 N.C. 158 (1974).