

N.C.P.I.—Crim. 208.95J  
ASSAULT ON AN EMERGENCY WORKER WITH A DEADLY WEAPON WITH  
INTENT TO KILL. FELONY.  
GENERAL CRIMINAL VOLUME  
FEBRUARY 2024  
N.C. Gen. Stat. § 14-32(e)  
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208.95J ASSAULT ON AN EMERGENCY WORKER WITH A DEADLY WEAPON  
WITH INTENT TO KILL. FELONY.

The defendant has been charged with assault on an emergency worker<sup>1</sup> with a deadly weapon with intent to kill.

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 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. [(*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.]<sup>4</sup>

And Third, that the defendant had the specific intent to kill the [law enforcement officer] [firefighter] [emergency medical technician] [medical responder].

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

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intentionally assaulted (*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),<sup>5</sup> intending to kill the [law enforcement officer] [firefighter] [emergency medical technician] [medical responder], (nothing

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else appearing)<sup>6</sup> 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>7</sup>

*NOTE WELL: If self-defense is an issue, use mandate from N.C.P.I.—Crim. 308.45.<sup>8</sup>*

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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 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. This parenthetical phrase should only be used where the weapon is not deadly *per se*.
  6. The parenthetical phrase should be used only where there is some evidence of justification or excuse, such as self-defense.
  7. If there is to be instruction on lesser included offenses, the last phrase should be: “. . . you will not return a verdict of guilty of assault with a deadly weapon with intent to kill.”
  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).