

N.C.P.I.—Crim. 208.95K
ASSAULT ON EMERGENCY PERSONNEL—CAUSING DEATH. FELONY.
GENERAL CRIMINAL VOLUME
SEPTEMBER 2023
N.C. Gen. Stat. § 14-288.9(f)

208.95K ASSAULT ON EMERGENCY PERSONNEL—CAUSING DEATH. FELONY.

The defendant has been charged with assault causing the death of [a law enforcement officer] [a fireman] [an ambulance attendant] [a utility worker] [a doctor] [a nurse] [a member of the North Carolina National Guard] [(describe other persons lawfully engaged in providing essential services or otherwise discharging or attempting to discharge his or her official duties during the emergency)].

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

First, that the victim was a [a law enforcement officer] [a fireman] [an ambulance attendant] [a utility worker] [a doctor] [a nurse] [a member of the North Carolina National Guard] [(describe other persons lawfully engaged in providing essential services or otherwise discharging or attempting to discharge his or her official duties during the emergency)]¹;

Second, that the defendant assaulted the [law enforcement officer] [fireman] [ambulance attendant] [utility worker] [doctor] [nurse] [member of the North Carolina National Guard] [(describe other persons lawfully engaged in providing essential services or otherwise discharging or attempting to discharge his or her official duties during the emergency)] by (describe assault);

Third, that the assault was committed in an area [in which a declared state of emergency existed] [within the immediate vicinity of which a riot² was occurring or was imminent];

And Fourth, that the assault caused the death of the [law enforcement officer] [fireman] [ambulance attendant] [utility worker] [doctor] [nurse] [member of the North Carolina National Guard] [(describe other persons

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lawfully engaged in providing essential services or otherwise discharging or attempting to discharge his or her official duties during the emergency)].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the victim was [a law enforcement officer] [a fireman] [an ambulance attendant] [a utility worker] [a doctor] [a nurse] [a member of the North Carolina National Guard] [*(describe other persons lawfully engaged in providing essential services or otherwise discharging or attempting to discharge his or her official duties during the emergency)*], that the defendant assaulted the [law enforcement officer] [fireman] [ambulance attendant] [utility worker] [doctor] [nurse] [member of the North Carolina National Guard] [*(describe other persons lawfully engaged in providing essential services or otherwise discharging or attempting to discharge his or her official duties during the emergency)*], that the assault was committed in an area [in which a declared state of emergency existed] [within the immediate vicinity of which a riot was occurring or was imminent], and that the assault caused the death of the [law enforcement officer] [fireman] [ambulance attendant] [utility worker] [doctor] [nurse] [member of the North Carolina National Guard] [*(describe other persons lawfully engaged in providing essential services or otherwise discharging or attempting to discharge his or her official duties during the emergency)*], 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, you would not return a verdict of guilty of assault on emergency personnel causing death, but you must determine whether the defendant is guilty of felony assault on emergency personnel, which differs from assault on emergency personnel causing death in that the State need not prove beyond a reasonable doubt that the defendant's assault caused the death of the victim.

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If you find from the evidence beyond a reasonable doubt that on or about the alleged date the victim was [a law enforcement officer] [a fireman] [an ambulance attendant] [a utility worker] [a doctor] [a nurse] [a member of the North Carolina National Guard] [*describe other persons lawfully engaged in providing essential services or otherwise discharging or attempting to discharge his or her official duties during the emergency*], that the defendant assaulted the [law enforcement officer] [fireman] [ambulance attendant] [utility worker] [doctor] [nurse] [member of the North Carolina National Guard] [*describe other persons lawfully engaged in providing essential services or otherwise discharging or attempting to discharge his or her official duties during the emergency*], and that the assault was committed in an area [in which a declared state of emergency existed] [within the immediate vicinity of which a riot was occurring or was imminent], it would be your duty to return a verdict of guilty of assault on emergency personnel. 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.

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1. N.C. Gen. Stat. § 14-288.9(b) defines emergency personnel.
 2. For a definition of "riot," see N.C. Gen. Stat. § 14-288.2(a).