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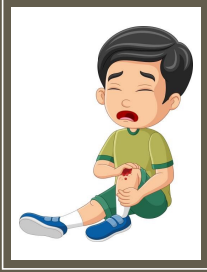
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### PHYSICAL INJURY

Includes cuts, scrapes, bruises, or other physical injury which does not constitute serious injury.

G.S. 14-34.7(c).



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### APPLICABLE OFFENSES

- G.S. 14-288.9 – Assault on emergency personnel inflicting physical injury
- G.S. 14-318.2 – Misdemeanor child abuse
- G.S. 14-32.4 – Strangulation
- G.S. 14-34.6(a) – Assault on a firefighter, EMT, medical responder, or hospital personnel inflicting physical injury
- G.S. 14-34.7(c) – Assault on law enforcement and other officers inflicting physical injury

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### EXAMPLE

- Upholding a conviction of misdemeanor child abuse inflicting physical injury where the child suffered a second-degree burn on his face, appearing that something had been placed or held against the child's face
- State v. Church, 99 N.C.App. 647 (1990).

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- Generally, a parent is not criminally liable for inflicting physical injury on a child while lawfully administering corporal punishment.
- General rule does not apply where the parent
  - (1) administers punishment that causes or is calculated to cause an injury that is lasting or will continue indefinitely,
  - (2) administers punishment borne of malice or wickedness of purpose rather than a good faith or honest effort to discipline the child, or
  - (3) uses cruel or grossly inappropriate procedures.

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**SERIOUS PHYSICAL INJURY/SERIOUS INJURY**

Physical injury that causes great pain and suffering, including serious mental injury.

G.S. 14-318.4(d)(2)

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**APPLICABLE OFFENSES**

- G.S. 14-223(b) – Resisting officer causing serious injury
- G.S. 14-318.4(a) – Felony child abuse
- G.S. 14-32 – Assault with a deadly weapon inflicting serious injury
- G.S. 14-32.1 – Assault on a person with a disability inflicting serious injury
- G.S. 14-33(c)(1) – Assault inflicting serious injury

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EXAMPLE

- Upholding a conviction of felony child abuse inflicting serious physical injury where there were second-degree burns on a child's buttocks, left untreated for several days
- State v. Church, 99 N.C.App. 647 (1990)

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Factors to consider:

- Pain
- Loss of blood
- Hospitalization
- Time lost from work

A person need not be hospitalized for an injury to be considered "serious injury"

For child abuse cases, there is not a requirement that a child be unable to attend school or engage in play

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SERIOUS BODILY INJURY

Bodily injury that creates a substantial risk of death or that causes serious permanent disfigurement, coma, a permanent or protracted condition that causes extreme pain, or permanent or protracted loss or impairment of the function of any bodily member or organ, or that results in prolonged hospitalization.



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### APPLICABLE OFFENSES

- G.S. 14-16.6(c) – Assault on a legislative, executive, or court officer inflicting serious bodily injury
- G.S. 14-223(c) – Resisting officers causing serious bodily injury
- G.S. 14-23.5 – Assault inflicting serious bodily injury on an unborn child
- G.S. 14-318.4(a3) – Felony child abuse
- G.S. 14-32.4(a) – Assault inflicting serious bodily injury
- G.S. 14-34.1(c) – Discharging a firearm into occupied property
- G.S. 14-34.6(b) – Assault on a firefighter, EMT, medical responder, or hospital personnel inflicting serious bodily injury
- G.S. 14-34.7(a) – Assault on law enforcement and other officers inflicting serious bodily injury

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### EXAMPLE

- Upholding a conviction of assault on an officer inflicting serious bodily injury where an officer sustained:
  - puncture wounds on his left forearm and right bicep,
  - severe bruising and depressions,
  - permanent scarring, and
  - scabbing
- Given that the bites caused extreme pain, skin removal, permanent scarring, and hospitalization, the court held that a reasonable juror could find this evidence sufficient to conclude the officer's injuries caused serious permanent disfigurement, or a permanent or protracted condition that caused extreme pain, or injury that resulted in prolonged hospitalization.
- State v. Burwell, 256 N.C. App. 722 (2017)

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### NOTES

- "While each case must be considered on its own facts, the presence of a minor [permanent] scar or other mild disfigurement alone cannot be sufficient to support a finding of serious bodily injury."
- Bite-shaped discoloration on an officer's arm was not sufficient to support a finding that the defendant's bite resulted in "serious permanent disfigurement."
- The officer's ability to leave the hospital and return to the police station to complete paperwork that same night demonstrated that his pain was not protracted and thus did not rise to the level of serious bodily injury. State v. Williams, 255 N.C. App. 168 (2017).

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**During an arrest, the suspect bit the officer's finger and broke the skin, and the officer sustained cuts on her elbow and wrist during the encounter.**

Physical injury

Serious physical injury

Serious bodily injury

Total Results: 0

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**Kelly got into a fight. As a result of the assault, she suffered a scar over her eye. Because of the scar, she also suffered a subsequent lingering infection.**



Physical injury

Serious physical injury

Serious bodily injury

Total Results: 0

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**Bo was treated at a hospital for multiple lacerations to his forearm, small stab wounds to his leg, a deep laceration to his thumb, bruising to his back, and a puncture wound to his right orbital rim, causing fracture of the bone.**

Physical injury

Serious physical injury

Serious bodily injury

Total Results: 0

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**James and Victor get into a fight. Victor sustains a broken bone in the mouth, a damaged tooth, and a broken bone in the hand as a result of being struck by James's hands and fists.**



☐ Physical injury

☐ Serious physical injury

☐ Serious bodily injury

Total Results: 0

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**16-year-old Alex was beaten with a belt for about an hour. As a result, she suffered bleeding, bruising on both arms, swelling and puffiness of the legs, black and blue buttocks, and was in pain for two weeks.**

☐ Physical injury

☐ Serious physical injury

☐ Serious bodily injury

Total Results: 0

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**15-year-old Sarah suffered a nonaccidental femur fracture, which took 5 to 8 months to fully heal. By the time of trial, her surgical scars had healed, and she was engaged in unrestricted physical activities.**



☐ Physical injury

☐ Serious physical injury

☐ Serious bodily injury

Total Results: 0

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**The victim suffered a broken jaw which was wired shut for two months, \$6,000 worth of damage to his teeth, broken ribs, and spasms on two occasions that made it so difficult for him to breathe that he had to visit the emergency room.**

Physical injury

Serious physical injury

Serious bodily injury

Total Results: 0

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**The victim testified that she was strangled twice. There was photographic evidence depicting bruising, abrasions, and bite marks on and around her neck.**

Physical injury

Serious physical injury

Serious bodily injury

Total Results: 0

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**Tom and Jerry get into a fight. Jerry knocks Tom in the mouth, resulting in the permanent loss of Tom's teeth.**



Physical injury

Serious physical injury

Serious bodily injury

Total Results: 0

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**Zion was beaten by means of stomping and punching, had the letter "Z" carved in his back, was hospitalized, received twenty-four staples in his head, and was emotionally traumatized by the encounter.**

Physical injury

Serious physical injury

Serious bodily injury

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Total Results: 0

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**Sam discloses that she was strangled. She notes that she had difficulty breathing, but did not suffer and bruising, redness, or other visible injury.**

Physical injury

Serious physical injury

Serious bodily injury

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Total Results: 0

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QUESTIONS?

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