

ASSAULT.

The (*state number*) issue reads:

"Did the defendant assault the plaintiff?"

On this issue the burden of proof is on the plaintiff. This means that the plaintiff must prove, by the greater weight of the evidence, two things:<sup>1</sup>

First, that the defendant by an intentional act or display of force and violence threatened the plaintiff with imminent bodily injury.

Second, that such act or display caused the plaintiff to have a reasonable apprehension that [harmful] [offensive] contact with *his* person was imminent. Reasonable apprehension of imminent bodily injury occurs when a person of ordinary care and prudence under the same or similar circumstances would believe that [harmful] [offensive] bodily contact is about to occur.

(Ordinarily, [mere threats] [mere words] unaccompanied by some act or display to carry out the threat are not enough to cause reasonable apprehension that [harmful] [offensive] bodily contact is imminent).

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<sup>1</sup>Dickens v. Puryear, 302 N.C. 437, 445-46, 276 S.E.2d 325, 330-31 (1981); Johnson v. Bollinger, 86 N.C. App. 1, 5, 356 S.E.2d 378, 381 (1987).

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Finally, as to this issue on which the plaintiff has the burden of proof, if you find by the greater weight of the evidence that the defendant by an intentional act or display of force and violence threatened the plaintiff with imminent bodily injury and that such act or display caused the plaintiff to have a reasonable apprehension that [harmful] [offensive] contact with *his* person was imminent, then it would be your duty to answer this issue "Yes" in favor of the plaintiff.

If, on the other hand, you fail to so find, then it would be your duty to answer this issue "No" in favor of the defendant.