



## Elements of Assaults



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## Five Core Components

**#1: Assault**



**#2: Injury**

**#3: Weapon**

**#4: Victim**

**#5: Job/Duty**

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## #1: Assault



- **Striking, Battery**
  - Overt act or attempt
  - Force and violence, reasonable fear
- **Show of Violence**
  - Apparent ability to carry out
  - Reasonable fear of immediate injury
  - Victim changes activity/response
- **Culpable negligence**
  - Intentional act
  - Reckless disregard for safety of others

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## #2: Injury

- **Serious Bodily Injury**
  - Risk of death, permanent disfigurement, coma
  - Ex: broken bones, jaw wired shut, scars
  - More than serious injury
- **Serious Injury**
  - Pain and suffering, blood loss, hospitalization
  - Ex: shot, stabbed, head injury, tooth knocked out
- **Physical Injury**
  - Cuts, scrapes, bruises
  - Less than serious injury



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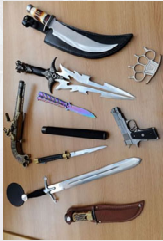
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## #3: Weapon or Means



- **Deadly Weapon**
  - Under circumstances, capable of causing death or serious bodily injury
  - AWDW, AWDWISI
- **Intent to Kill**
  - AWDWIK, AWDWIKISI
- **By Pointing a Gun**
  - Intentionally pointed at a person
- **Firing into Occupied Property**
  - Three versions: occupied? moving? injury?
- **Secret Assault**
  - AWDWIK + "secret"

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## #4: Based on Victim

- **Female**
  - By a male, over 18
- **Child Under 12**
  - More than moderate punishment
  - Lasting injury? Parent? Child abuse?
- **Unborn Child**
  - Battery of mother + AISI/AISBI on child
- **Disabled/Handicapped**
  - Simple or Aggravated
- **Ethnic Intimidation**
  - Race, religion, nationality



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## #5: Based on Job



- Government Officer/Employee
- Law Enforcement Officers
- Executive/Legislative/Court Officers
- School Personnel
- Sports Officials
- Public Transit Operators
- Firefighters
- Emergency Personnel

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## #6: Bonus!

**Other Enhancements, Offenses:**

- Habitual Misd. Assault
  - 2+ prior offenses
  - New assault + physical injury
- A few others...
  - Bombs/explosives
  - Maiming/castration
  - Throwing acid



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## Threats/Harassment



- Communicating Threats
  - Threat to injure person property
  - Reasonable belief, did believe
- Harassing Phone Calls
  - Threat by phone
- Cyberstalking
  - Threat and harassment by email
- Cyberbullying
  - Computer harassment/embarassment
- Stalking
  - Repeat harassment causing fear/distress

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## Questions?

- Use the chart and NC Crimes
- Discuss at upcoming online session

Or feel free to contact me:

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