

ASSAULT ON A(N) [LEGISLATIVE] [EXECUTIVE] [COURT] OFFICER
INFLECTING SERIOUS BODILY INJURY. G.S. 14-16.6(c). FELONY.

The defendant has been charged with assault on a(n) [legis-
lative] [executive] [court] officer inflicting serious bodily
injury.

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

First, that the defendant assaulted the victim by
intentionally¹ (and without justification or excuse)² (*describe
assault*).

Second, that the defendant inflicted serious bodily injury³
upon the victim.

Third, that (*name victim*) was a(n) [legislative]⁴

¹If a definition of intent is required, see N.C.P.I.--Crim. 120.10.

²The parenthetical phrase should only be used where there is some
evidence of justification or excuse, such as self-defense.

³Serious bodily injury is defined as bodily injury that creates or
causes [a substantial risk of death] [serious permanent disfigurement] [a
permanent or protracted condition that causes extreme pain] [permanent or
protracted loss or impairment of the functions of any bodily member or organ]
[prolonged hospitalization].

⁴G.S. 147-2 The legislative officers are: the fifty Senators; One
hundred and twenty members of the House of Representatives; a Speaker of the
House of Representatives; a clerk and assistants in each house; a Sergeant-at-
arms and assistants in each house; and as many subordinates in each house as
may be deemed necessary.

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[executive]⁵ [court]⁶ officer. [(Name victim's title) was a(n)
[legislative] [executive] [court] officer.]⁷

And Fourth, that the defendant knew or had reasonable
grounds to know that the victim was a(n) [legislative] [execu-
tive] [court] officer.

NOTE WELL: *If self-defense is an issue, use N.C.P.I.--
Crim. 308.40.*

If you find from the evidence beyond a reasonable doubt that on
or about the alleged date, the defendant assaulted the victim,
inflicting serious bodily injury, that the victim was a(n)
[legislative] [executive] [court] officer, and that the defendant

⁵G.S. 147-3(c) The general civil executive officers of this State are as follows: a Governor; a Lieutenant Governor; Private secretary for the Governor; a Secretary of State; an Auditor; a Treasurer; an Attorney General; a Superintendent of Public Instruction; the members of the Governor's Council; a Commissioner of Agriculture; a Commissioner of Labor; a Commissioner of Insurance.

⁶G.S. 14-16.10(1) defines a court officer as Magistrate, clerk of superior court, acting clerk, assistant or deputy clerk, judge, or justice of the General court of Justice; district attorney, assistant district attorney, or any other attorney designated by the district attorney to act for the State or on behalf of the district attorney; public defender or assistant defender; court reporter; juvenile court counselor as defined in G.S. 7B-1501(5). Effective December 1, 2003, the term "court officer" includes any attorney or other individual employed by or acting on behalf of the department of social services in proceedings pursuant to Subchapter I of Chapter 7B of the General Statutes; any attorney or other individual appointed pursuant to G.S. 7B-601 or G.S. 7B-1108 or employed by the Guardian ad Litem Services Division of the Administrative Office of the Courts.

⁷G.S. 14-16.9 provides that any person who has been elected to any of the above-mentioned offices, but has not yet taken the oath of office, shall be considered to hold the office for the purpose of this offense.

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knew or had reasonable grounds to know that the victim was a(n)
[legislative] [executive] [court] officer, (nothing else
appearing) 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.⁸

NOTE WELL: *If self-defense is an issue, use mandate
N.C.P.I.--Crim. 308.40.*⁹

⁸If there is to be an instruction on lesser included offenses, the last phrase should be: "...you will not return a verdict of guilty of assault on a(n) [legislative] [executive] [court] officer inflicting serious injury."

⁹Including self-defense in the mandate is required by *S. v. Woodson*, 31 N.C. App. 400 (1976). *Cf S. v. Dooley*, 285 N.C. 158 (1974).

