

N.C.P.I.—Criminal 208.40
SIMPLE ASSAULT. G.S. 14-33(a). MISDEMEANOR
General Criminal Volume
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The defendant has been charged with simple assault.¹

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

First, that the defendant assaulted the victim by (*describe assault*).

And Second, that the defendant acted intentionally² (and without justification or excuse).³

NOTE WELL: If self-defense is an issue, use charge N.C.P.I.—Crim. 308.40 as to the elements of self-defense. If defense of a family member or third person is an issue, use N.C.P.I.—Crim. 308.40A or 308.50, as appropriate.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intentionally (*describe assault*), (nothing else appearing)³ 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 both of these things, it would be your duty to return a verdict of not guilty.

NOTE WELL: If self-defense is an issue, use mandate from N.C.P.I.—Crim. 308.40.⁴ If defense of a family member or third person is an issue, use N.C.P.I.—Crim.308.40A or 308.50, as appropriate.

¹ If a definition of assault is needed, use N.C.P.I.—Crim. 120.20.

² If a definition of intent is needed, use N.C.P.I.—Crim. 120.10.

³ The parenthetical phrase should be used only where there is evidence of justification or excuse, such as self-defense.

⁴ Including self-defense in the mandate is required by *State v. Woodson*, 31 N.C. App. 400 (1976). *Cf. State v. Dooley*, 285 N.C. 158 (1974).

