

N.C.P.I.—Crim 208.60
ASSAULT INFLICTING SERIOUS INJURY. MISDEMEANOR.
REPLACEMENT JUNE 2017
N.C. Gen. Stat. § 14-33(c)(1)

208.60 ASSAULT INFLICTING SERIOUS INJURY. MISDEMEANOR.

NOTE WELL: Use N.C.P.I. 208.72 if the defendant, during the course of the assault, inflicts serious bodily injury or uses a deadly weapon on a person with whom the defendant has a personal relationship, in front of a minor.

The defendant has been charged with assault inflicting serious injury.

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 intentionally¹ (and without justification or excuse)² (*describe assault*).

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

NOTE WELL: If self-defense is an issue, use N.C.P.I.—Crim. 308.40 or 308.45, as appropriate.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intentionally assaulted the victim inflicting serious injury by (*describe assault*), (nothing else appearing)² 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.⁴

NOTE WELL: If self-defense is an issue, use mandate from N.C.P.I.—Crim. 308.40 or 308.45, as appropriate.⁵

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

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

³ Serious injury may be defined as "such physical injury as causes great pain and suffering." See *S. v. Jones*, 258 N.C. 89 (1962), and *S. v. Ferguson*, 261 N.C. 558 (1964).

If there is evidence as to injuries which could not conceivably be considered anything but serious, the trial judge may instruct the jury as follows: "(*Describe injury*) would be a

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serious injury." *S. v. Johnson*, 320 N.C. 746, 751 (1987).

4 If there is to be instruction on lesser included offenses, the last phrase should be:
". . . you will not return a verdict of guilty of assault inflicting serious injury."

5 Including self-defense in the mandate is required by *S. v. Dooley*, 285 N.C. 158 (1974).