

ASSAULT INFLICTING PHYSICAL INJURY BY STRANGULATION.  
FELONY. G.S. 14-32.4

The defendant has been charged with assault inflicting physical injury by strangulation.<sup>1</sup>

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 intentionally<sup>2</sup> (and without justification or excuse)<sup>3</sup> strangling the victim.

And Second, that the defendant inflicted physical injury 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 physical injury by strangulation, (nothing else appearing)<sup>3</sup> it

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<sup>1</sup>Strangulation is defined as a form of asphyxia characterized by closure of the blood vessels and/or air passages of the neck as a result of external pressure on the neck brought about by hanging, ligature, or the manual assertion of pressure.

<sup>2</sup>If a definition of intent is required, see N.C.P.I.--Crim. 120.10.

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

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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.<sup>4</sup>

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

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<sup>4</sup>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."

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