

N.C.P.I.—Crim 208.70
ASSAULT ON A FEMALE BY A MALE PERSON. MISDEMEANOR.
CRIMINAL VOLUME
REPLACEMENT JUNE 2015
N.C. Gen. Stat. § 14-33(c)(2)

208.70 ASSAULT ON A FEMALE BY A MALE PERSON.

The defendant, a male person, has been charged¹ with assault² on a female.

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

First, that the defendant intentionally³ (and without justification or excuse)⁴ assaulted the alleged victim by (*describe assault*).

Second, that the alleged victim was a female person.

And Third, that the defendant was a male person, at least eighteen years of age.

NOTE WELL: If self-defense is an issue, use N.C.P.I.-Crim. 308.40.⁵

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant was a male person, at least 18 years of age, and that he intentionally (*describe assault*) and that the alleged victim was a female person, (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.

1 If the defendant is also convicted of a felony assault or assault causing serious bodily injury the Court should arrest judgment on the assault on a female charge. *State Jamison, No. COA13-1328, N.C. Ct. App. 2014 (recognizing that the statute limited the trial court's authority and is limited to impose punishment for assault on a female when punishment is also imposed for higher class offenses that apply to the same conduct).*

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2 If a definition of assault is needed, see N.C.P.I. –Crim 120.20.

3 If a definition of intent is needed, see N.C.P.I. –Crim 120.10.

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

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