

N.C.P.I.—Criminal 208.83

ASSAULT UPON A SCHOOL EMPLOYEE OR VOLUNTEER. G.S. 14-33(c)(6). MISDEMEANOR.

General Criminal Volume

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The defendant is charged with assault¹ upon a school [employee] [volunteer].

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 intentionally.² (*Describe the assault.*)

Second, that the victim was a school [employee] [volunteer].³

Third, that the victim was assaulted:

- a) while [discharging] [attempting to discharge] his duties⁴ as a school [employee] [volunteer].
- b) as a result of the [discharge of] [attempt to discharge] his duties as a school [employee] [volunteer].

And Fourth, that the defendant knew or had reasonable grounds to know that the victim was a school [employee] [volunteer].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intentionally assaulted the victim, that the victim was a school [employee] [volunteer], that the victim was assaulted [while discharging] [while attempting to discharge] [as a result of the [discharge] [attempt to discharge]] his duties as a school [employee] [volunteer], and that the defendant knew or had reasonable grounds to know that the victim was a school [employee] [volunteer], it would be your duty to return a verdict of guilty.⁵ 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 a definition of assault is needed, see N.C.P.I.—Crim. 120.20.

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

³ See G.S. 14-33(c)(6)(b) for definition of both.

⁴ See G.S. 14-33(c)(6)(a) for the meaning of “Duties”.

⁵ If 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 upon a school [employee] [volunteer].”

