

ASSAULT WITH A FIREARM ON A LAW ENFORCEMENT, PROBATION, OR PAROLE OFFICER OR ON A PERSON EMPLOYED AT A STATE OR LOCAL DETENTION CENTER. G.S. 14-34.5. FELONY.

The defendant has been accused of assault with a firearm on a
(1. [law enforcement] [probation] [parole] officer.)
(2. person employed at a [State] [local] detention facility.)

Now I charge that for you to find the defendant guilty of this offense, the State must prove five things beyond a reasonable doubt:

First, that the defendant assaulted the victim by intentionally¹ (and without justification or excuse)² (*describe assault*).

Second, that the assault was committed with a firearm.³

Third, that the victim was a

(1. [law enforcement] [probation] [parole] officer.)
(2. person who is employed at a detention facility operated under the jurisdiction of [the State] [a local government].)

Fourth, that the defendant knew or had reasonable grounds to know that the victim was a

(1. [law enforcement] [probation] [parole] officer.)

¹If the definition of intent is needed, see N.C.P.I.--Crim. 120.10.

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

³For definition of a "firearm" see G.S. 14-409.39(2).

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(2. Person who is employed at a detention facility operated under the jurisdiction of [the State] [a local government].)

And Fifth, that the victim was in the performance of his duties. ((Describe duty, e.g., serving a warrant) is a duty.)

So I charge that if you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intentionally assaulted with a firearm the victim who was a (1. [law enforcement] [probation] [parole] officer,) (2. person who is employed at a detention facility operated under the jurisdiction of [the state] [a local government],) in the performance of his duties, and the defendant knew or had reasonable grounds to know that the victim was a (1. [law enforcement] [probation] [parole] officer.) (2. Person who is employed at a detention facility operated under the jurisdiction of [the State] [a local government],) it would be your duty to return a verdict of guilty. However, 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.