

ASSAULT WITH A FIREARM OR OTHER DEADLY WEAPON UPON EMERGENCY
MEDICAL SERVICES PERSONNEL.¹ FELONY. G.S. 14-34.6.

The defendant has been charged with assault with a [firearm]
[deadly weapon] upon an emergency medical services person while
such person was in the performance of his duties.

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
intentionally² (and without justification or excuse)³ (*describe
assault*).

Second, that the defendant used a [firearm. (*Describe
firearm*) is a firearm] [deadly weapon. A deadly weapon is a
weapon which is likely to cause death or serious bodily injury.
In determining whether (*name object*) is a deadly weapon, you
should consider the nature of (*name object*), the manner in which
it was used, and the size and strength of the defendant as
compared to the victim].

Third, that the victim was an emergency medical services
person.

Fourth, that the defendant knew or had reasonable grounds to
believe that the victim was an emergency medical services person.

¹G.S. 14-34.6 relates to assaults or affrays on emergency medical
technicians, medical responders, emergency department nurses, emergency
department physicians, and firefighters.

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

³The parenthetical phrase should be used only where there is evidence of
justification or excuse.

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And Fifth, that the victim was [discharging] [attempting to discharge] an official duty. (*Describe what victim was doing, e.g., providing care for a patient*) is an official duty of an emergency medical services person.⁴

NOTE WELL: *If self-defense is an issue, use N.C.P.I.--Crim. 308.45.*

So I charge that if you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant intentionally (and without justification or excuse) (*describe assault*) the victim with a [firearm] [(*name object*)] (and that (*name object*) was a deadly weapon⁵], and that the victim was an emergency medical services person, who was [discharging] [attempting to discharge] an official duty, and that the defendant knew or had reasonable grounds to believe that the victim was an emergency medical services person, 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.⁶

⁴Where the state contends that the victim was doing one thing, which would be a duty of his office, but there is evidence that he may have been doing something else which would not be a duty of his office, state what would and would not be a duty of the victim's office.

⁵The parenthetical phrase should be given only where the weapon may not have been deadly per se and the third bracketed phrase has been used in the second element above.

⁶If there is to be a charge on a lesser included offense, the last phrase should be ". . . you would not return a verdict of guilty as charged."