

N.C.P.I.—Crim 208.95C
ASSAULT ON [[LAW ENFORCEMENT] [PROBATION] [PAROLE] OFFICER]]
[MEMBER OF THE NORTH CAROLINA NATIONAL GUARD] [PERSON
EMPLOYED AT A [STATE] [LOCAL] DETENTION FACILITY]—PHYSICAL
INJURY. FELONY.
REPLACEMENT JUNE 2017
N.C. Gen. Stat. § 14-34.7(c)

208.95C ASSAULT ON [[LAW ENFORCEMENT] [PROBATION] [PAROLE]
OFFICER]] [MEMBER OF THE NORTH CAROLINA NATIONAL GUARD]
[PERSON EMPLOYED AT A [STATE] [LOCAL] DETENTION FACILITY]—
PHYSICAL INJURY. FELONY.

The defendant has been charged with assault on a [[law enforcement]
[probation] [parole] officer]] [member of the North Carolina National Guard]
[person employed at a [state] [local] detention facility] by inflicting physical
injury.

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

First, that the alleged victim was a [[law enforcement] [probation]
[parole] officer]] [member of the North Carolina National Guard] [person
employed at a [state] [local] detention facility];

Second, that the defendant assaulted the [[law enforcement]
[probation] [parole] officer]] [member of the North Carolina National Guard]
[person employed at a [state] [local] detention facility operated under the
jurisdiction of the [state] [local] government] by (*describe assault*);

Third, that the defendant

- a) [did so while the [[law enforcement] [probation] [parole]
officer]] [member of the North Carolina National Guard] was
[discharging] [attempting to discharge] an official duty of said
office]. (*Describe duties, e.g., making an arrest is a duty*).
- b) [did so while the person employed at a [state] [local] detention
facility was in the performance of the employee's duties].
(*Describe duties, e.g., supervision of inmates is a duty*);

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Fourth, that the defendant knew or had reasonable grounds to know that the alleged victim was a [[law enforcement] [probation] [parole] officer]] [member of the North Carolina National Guard] [person employed at a [state] [local] detention facility];

And Fifth, that the defendant inflicted physical injury¹ on the [[law enforcement] [probation] [parole] officer]] [member of the North Carolina National Guard] [person employed at a [state] [local] detention facility].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the alleged victim was a [[law enforcement] [probation] [parole] officer]] [person employed at a [state] [local] detention facility], that the defendant assaulted the [[law enforcement] [probation] [parole] officer]] [member of the North Carolina National Guard] [person employed at a [state] [local] detention facility] operated under the jurisdiction of the [State] [local] government], that the defendant [did so while the [[law enforcement] [probation] [parole] officer]] [member of the North Carolina National Guard] was [discharging] [attempting to discharge] an official duty of said office] [did so while the person employed at a [state] [local] detention facility was in the performance of the employee's duties], that the defendant knew or had reasonable grounds to know that the alleged victim was a [[law enforcement] [probation] [parole] officer]] [member of the North Carolina National Guard] [person employed at a [state] [local] detention facility], and that the defendant inflicted physical injury on the [[law enforcement] [probation] [parole] officer]] [member of the North Carolina National Guard] [person employed at a [state] [local] detention facility], then it would be your duty to return a verdict of guilty. If you do

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not so find or have a reasonable doubt as to one or more of these things,
then it would be your duty to return a verdict of not guilty.

1 N.C. Gen. Stat. § 14-34.7 defines “physical injury” as to include “cuts, scrapes, bruises, or other physical injury which does not constitute serious injury.”

