

215.50 ARSON OR OTHER UNLAWFUL BURNING RESULTING IN SERIOUS BODILY INJURY TO A FIREFIGHTER, LAW ENFORCEMENT OFFICER, FIRE INVESTIGATOR, OR EMERGENCY MEDICAL TECHNICIAN. FELONY.

The defendant has been charged with [arson] [unlawful burning] resulting in serious injury to a [firefighter] [law enforcement officer] [fire investigator] [emergency medical technician].

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

First, that the defendant committed the felony of *(name felony within Article 15 of Chapter 14 of the General Statutes)*. *(Define the felony and enumerate its elements using the Pattern Jury Instruction for that felony.)*

Second, that a [firefighter] [law enforcement officer] [fire investigator]¹ [emergency medical technician]² suffered serious bodily injury. Serious bodily injury is bodily injury that creates or causes [a substantial risk of death] [serious permanent disfigurement] [coma] [a permanent or protracted condition that causes extreme pain] [permanent or protracted loss or impairment of the function of any bodily member or organ] [prolonged hospitalization].³

Third, that the serious bodily injury occurred while the [firefighter] [law enforcement officer] [fire investigator] [emergency medical technician] was [discharging] (or) [attempting to discharge] *his or her* duties.

And Fourth, that the serious bodily injury suffered by the [firefighter] [law enforcement officer] [fire investigator] [emergency medical technician] occurred [on] [proximate to] the property that was the subject of the

[firefighter's] [emergency medical technician's] [discharge] (or) [attempt to discharge] *his or her* duties.

FINAL MANDATE

NOTE WELL: Here give the mandate for the felony described in the first element above, stopping before "it would be your duty. . . ." and then continue as follows:

And that a [firefighter] [law enforcement officer] [fire investigator] [emergency medical technician] suffered serious bodily injury, which occurred while the [firefighter] [law enforcement officer] [fire investigator] [emergency medical technician] was [discharging] (or) [attempting to discharge] *his or her* duties, and that this serious bodily injury occurred [on] [proximate to] the property that was the subject of the [firefighter's] [law enforcement officer] [fire investigator] [emergency medical technician's] [discharge] (or) [attempt to discharge] *his or her* duties, 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 The term fire investigator includes any person who, individually or as part of an investigation team, has the responsibility and authority to determine the origin, cause, or development of a fire or explosion.

2 The term emergency medical technician includes an emergency medical technician, an emergency medical technician-intermediate, and an emergency medical technician-paramedic, as those terms are defined in N.C. Gen. Stat. § 131E-155.

3 N.C. Gen. Stat. § 14-32.4.