

ASSAULT WITH A DEADLY WEAPON WITH INTENT TO KILL. FELONY.
G.S. 14-32(c).

The defendant has been charged with assault with a deadly weapon with intent to kill.

For you to find the defendant guilty of this offense, the State must prove three 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 defendant used a deadly weapon. A deadly weapon is a weapon which is likely to cause death or serious bodily injury. [(Name object) is a deadly weapon.] [In determining whether (name object) was 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.]]³

And Third, that the defendant had the specific intent to kill the victim.

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

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

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

³Use appropriate bracketed statement. In the event that there is a dispute as to which weapon was used and one of the weapons is non-deadly as a matter of law, e.g., a real pistol and a toy pistol, state what would not be a deadly weapon.

Maine Probate Abstracts 168718

Rachel S Tattersall



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Table of Contents Maine Probate Abstracts 168718

1. Understanding the eBook Maine Probate Abstracts 168718
 - The Rise of Digital Reading Maine Probate Abstracts 168718
 - Advantages of eBooks Over Traditional Books
2. Identifying Maine Probate Abstracts 168718
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Maine Probate Abstracts 168718
 - User-Friendly Interface
4. Exploring eBook Recommendations from Maine Probate Abstracts 168718
 - Personalized Recommendations
 - Maine Probate Abstracts 168718 User Reviews and Ratings
 - Maine Probate Abstracts 168718 and Bestseller Lists
5. Accessing Maine Probate Abstracts 168718 Free and Paid eBooks
 - Maine Probate Abstracts 168718 Public Domain eBooks
 - Maine Probate Abstracts 168718 eBook Subscription Services
 - Maine Probate Abstracts 168718 Budget-Friendly Options

6. Navigating Maine Probate Abstracts 168718 eBook Formats
 - ePub, PDF, MOBI, and More
 - Maine Probate Abstracts 168718 Compatibility with Devices
 - Maine Probate Abstracts 168718 Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Maine Probate Abstracts 168718
 - Highlighting and Note-Taking Maine Probate Abstracts 168718
 - Interactive Elements Maine Probate Abstracts 168718
8. Staying Engaged with Maine Probate Abstracts 168718
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Maine Probate Abstracts 168718
9. Balancing eBooks and Physical Books Maine Probate Abstracts 168718
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Maine Probate Abstracts 168718
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine Maine Probate Abstracts 168718
 - Setting Reading Goals Maine Probate Abstracts 168718
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Maine Probate Abstracts 168718
 - Fact-Checking eBook Content of Maine Probate Abstracts 168718
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
14. Embracing eBook Trends
 - Integration of Multimedia Elements

- Interactive and Gamified eBooks

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