

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.

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DP Hallahan



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