

8.4 AGGRAVATED BATTERY

' 784.045, Fla. Stat.

To prove the crime of Aggravated Battery, the State must prove the following two elements beyond a reasonable doubt. The first element is a definition of battery.

1. (Defendant)

[intentionally touched or struck (victim) against [his] [her] will].
[intentionally caused bodily harm to (victim)].

Give 2a or 2b as applicable.

2. (Defendant) in committing the battery

a. intentionally or knowingly caused

[great bodily harm to (victim)].
[permanent disability to (victim)].
[permanent disfigurement to (victim)].

b. used a deadly weapon.

Definition. Give if 2b alleged.

A weapon is a “deadly weapon” if it is used or threatened to be used in a way likely to produce death or great bodily harm.

Lesser Included Offenses

AGGRAVATED BATTERY — 784.045(1)(a)			
CATEGORY ONE	CATEGORY TWO	FLA. STAT.	INS. NO.
Battery		784.03	8.3
Felony battery		784.041	8.5
	Attempt	777.04(1)	5.1
	Improper exhibition of dangerous weapons or firearms	790.10	10.5
	Discharging a firearms in public	790.15	10.6

Comment

The lesser included offense of Felony Battery is only applicable if element 2a is charged and proved.

This instruction was approved in 1981 and amended in 1989 [543 So.2d 1205], and 2007.