

10.13 SHOOTING OR THROWING MISSILES IN DWELLING

§ 790.19, Fla.Stat.

To prove the crime of (crime charged), the State must prove the following three elements beyond a reasonable doubt:

1. (Defendant)

[shot a firearm].

[threw a missile].

[hurled or projected a stone or other hard substance that would produce death or great bodily harm].

2. [He] [She] did so [at] [within] [into]

[a public or private building, occupied or unoccupied].

[a public or private bus].

[a train, locomotive, railway car, caboose, cable railway car, street railway car, monorail car, or vehicle of any kind that was being used or occupied by any person].

[a boat, vessel, ship, or barge lying in or plying the waters of this state].

[an aircraft flying through the air space of this state].

3. The act was done wantonly or maliciously.

Definitions

"Wantonly" means consciously and intentionally, with reckless indifference to consequences and with the knowledge that damage is likely to be done to some person.

"Maliciously" means wrongfully, intentionally, without legal justification or excuse, and with the knowledge that injury or damage will or may be caused to another person or the property of another person.

Give if applicable.

A "firearm" is legally defined as (adapt from § 790.001, Fla.Stat., as required by allegations).

Lesser Included Offenses

SHOOTING OR THROWING MISSILES IN DWELLING — 790.19			
CATEGORY ONE	CATEGORY TWO	FLA. STAT.	INS. NO.
None			
	Attempt	777.04(1)	5.1
	Discharging firearm in public	790.15	10.6

Comment

This instruction was adopted in 1981.