

## 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.