

Ala. Code 1975, § 13A-6-20(a)(2)

Assault First Degree
(Intent to Disfigure)

The defendant is charged with assault in the first degree.

A person commits the crime of assault in the first degree if, with intent to disfigure another person seriously and permanently, or to destroy, amputate, or disable permanently a member or organ of another person, he/she causes such an injury to any person.

To convict, the State must prove beyond a reasonable doubt each of the following elements:

- (1) The defendant disfigured another person, **[Insert name of injured person]**, seriously and permanently, or destroyed, amputated, or disabled permanently a member or organ of another person, **[Insert name of injured person]**; **(AND)**
- (2) The defendant did so intentionally.

[Read as appropriate]: A *person*, when referring to the victim, means a human being, including an unborn child in utero at any stage of development, regardless of viability. [13A-6-1(a)(3)]

A person acts *intentionally* when it is his/her purpose to cause the death of another person. [13A-2-2(1)]

[Read as appropriate - Transferred Intent]: A person acts *intentionally* when it is his/her purpose to cause the death of a specific person, regardless of whether the deceased person is actually the person whose death the defendant allegedly wished to cause. See *Ex parte Jackson*, 614 So. 2d 405, 406-407 (Ala. 1993); *Farrior v. State*, 728 So. 2d 691, 695-696 (Ala. Crim. App. 1998).

If you find from the evidence that the State has proved beyond a reasonable doubt each of the above elements of assault in the first degree, then you shall find the defendant guilty of assault in the first degree.

If you find that the State has failed to prove any one or more of the elements of the offense of assault in the first degree, then you cannot find the defendant guilty of assault in the first degree.

[If lesser-included offenses are included, the Court should instruct on those offenses at this point.]

Use Notes

For unborn child exceptions see 13A-6-1(b) through (e).

[Approved 10-14-15.]