

13A6-22(a)(1)
ASSAULT THIRD
DEGREE
(Intentional)

The defendant is charged with assault in the third degree.

A person commits the offense of assault third degree if, with intent to cause physical injury to another person, he/she causes physical injury to any person.

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

(1) The defendant caused physical injury to another person, **[Insert Name Of Injured Person]; (AND)**

(2) The defendant acted with intent to cause physical injury to another person.

[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)]

Physical injury is impairment of physical condition or substantial pain. [13A-1-2(12)]

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

[Read As Appropriate - Transferred Intent] A person acts *intentionally* when it is his/her purpose to cause physical injury to a specific person, regardless of whether the injured person is actually the person whose injury 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. 1999).

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

If you find that the State has failed to prove beyond a reasonable doubt any one or more of the elements of assault in the second degree, then you cannot find the defendant guilty of assault in the second degree.

[If Lesser-Included Offenses Are Included, The Court Should Instruct On These Offenses At This Point.]

USE NOTES

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

[Approved 08-08-24]