

CR1321 Aggravated Assault by Prisoner

(DEFENDANT'S NAME) is charged [in Count ____] with committing Aggravated Assault By Prisoner [on or about (DATE)]. You cannot convict [him] [her] of this offense unless, based on the evidence, you find beyond a reasonable doubt each of the following elements:

1. (DEFENDANT'S NAME):
 - a. [intentionally or knowingly attempted, with unlawful force or violence, to do bodily injury to (VICTIM'S NAME); or]
 - b. [intentionally, knowingly, or recklessly
 - i. made a threat, accompanied by a show of immediate force or violence, to do bodily injury to (VICTIM'S NAME); or
 - ii. committed an act with unlawful force or violence that
 1. caused bodily injury to (VICTIM'S NAME); or
 2. created a substantial risk of bodily injury to (VICTIM'S NAME);] and
2. (DEFENDANT'S NAME):
 - a. [used a dangerous weapon; or]
 - b. [committed any act that interfered with the breathing or the circulation of blood of (VICTIM'S NAME) by use of unlawful force or violence that was likely to produce a loss of consciousness by:
 - i. applying pressure to the neck or throat of (VICTIM'S NAME); or
 - ii. obstructing the nose, mouth, or airway of (VICTIM'S NAME); or]
 - c. [used [other] means or force likely to produce death or serious bodily injury]; and
3. [(DEFENDANT'S NAME) intentionally caused serious bodily injury and]
4. At the time of the act (DEFENDANT'S NAME) was
 - a. in the custody of a peace officer pursuant to a lawful arrest; or
 - b. was confined in a [jail or other penal institution][facility used for confinement of delinquent juveniles] regardless of whether the confinement is legal; [and]
5. [The defense of _____ does not apply.]

After you carefully consider all the evidence in this case, if you are convinced that each and every element has been proven beyond a reasonable doubt, then you must find the defendant GUILTY. On the other hand, if you are not convinced that each and every element has been proven beyond a reasonable doubt, then you must find the defendant NOT GUILTY.