

ASSAULT

If you have been charged with assault or aggravated assault, you should consult with an attorney. You should understand that an assault does not mean that you hit someone, but rather that you threatened, either physically or verbally, to harm someone and that you had the ability to carry out the threat. Below you will find what the state has to prove in order for you to be found guilty of assault. If you have been charged with Assault or Aggravated Assault, please contact our office to schedule your free confidential consultation.

ASSAULT § 784.011, Fla.Stat

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

1. Defendant intentionally and unlawfully threatened, either by word or act, to do violence to victim.
2. At the time, defendant appeared to have the ability to carry out the threat.
3. The act of defendant created in the mind of victim a well-founded fear that the violence was about to take place.

AGGRAVATED ASSAULT § 784.021, Fla.Stat.

To prove the crime of Aggravated Assault, the State must prove the following four elements beyond a reasonable doubt. The first three elements define assault.

1. Defendant intentionally and unlawfully threatened, either by word or act, to do violence to victim.
2. At the time, defendant appeared to have the ability to carry out the threat.
3. The act of defendant created in the mind of victim a well-founded fear that the violence was about to take place.
4.
 - a. The assault was made with a deadly weapon.
 - b. The assault was made with a fully-formed, conscious intent to commit (crime charged) upon (victim).

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. It is not necessary for the State to prove that the defendant had an intent to kill.