

8.17 ASSAULT ON PERSON 65 YEARS OF AGE OR OLDER

§ 784.08(2)(d), Fla. Stat.

To prove the crime of Assault on a Person 65 years of Age or Older, the State must prove the following four 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.**
- 4. (Victim) was at the time 65 years of age or older.**

Lesser Included Offenses

ASSAULT ON PERSON 65 YEARS OF AGE OR OLDER — 784.08(2)(d)

CATEGORY ONE	CATEGORY TWO	FLA. STAT.	INS. NO.
Assault		784.011	8.1
	Attempt	777.04(1)	5.1

Comment

This instruction was adopted in 1997.