

15.4 ROBBERY BY SUDDEN SNATCHING

§ 812.131, Fla. Stat.

To prove the crime of Robbery by Sudden Snatching, the State must prove the following four elements beyond a reasonable doubt:

- 1. (Defendant) took the (money or property described in charge) from the person of (person alleged).**
- 2. The property taken was of some value.**
- 3. The taking was with the intent to permanently or temporarily deprive (victim) or the owner of [his] [her] right to the property.**
- 4. In the course of the taking, (victim) was or became aware of the taking.**

In the course of the taking means that the act occurred prior to, contemporaneous with, or subsequent to the taking of the property and that the act and the taking of the property constitute a continuous series of acts or events.

Force or resistance.

It is not necessary for the State to prove that the defendant used any amount of force beyond that effort necessary to obtain possession of the money or other property, that there was any resistance offered by the victim or that there was any injury to the victim's person.

Title to property.

In order for a taking to be Robbery by Sudden Snatching, it is not necessary that the person robbed be the actual owner of the property. It is sufficient if the victim has possession of the property at the time of the offense.

Higher degree of Robbery by Sudden Snatching. Give if applicable.

If you find the defendant guilty of the crime of Robbery by Sudden Snatching, you must further determine beyond a reasonable doubt if in the course of committing the Robbery by Sudden Snatching, the defendant carried a firearm or other deadly weapon. An act is in the course of committing a Robbery by Sudden Snatching if it occurs in an attempt to commit Robbery by Sudden Snatching or in fleeing after the attempt or commission.

With a firearm.

If you find that the defendant carried a firearm in the course of committing the Robbery by Sudden Snatching, you should find [him] [her] guilty of Robbery by Sudden Snatching with a firearm.

A firearm means any weapon (including a starter gun) which will, is designed to, or may readily be converted to expel a projectile by the action of an

explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device; or any machine gun. [The term “firearm” does not include an antique firearm unless the antique firearm is used in the commission of a crime. An antique firearm is (insert definition in § 790.001, Fla. Stat.)]. [A destructive device is (insert definition in § 790.001, Fla. Stat.)].

With a deadly weapon.

If you find that the defendant carried a (deadly weapon described in charge) in the course of committing the Robbery by Sudden Snatching, and that the (deadly weapon described in charge) was a deadly weapon, you should find [him] [her] guilty of Robbery by Sudden Snatching with a deadly weapon.

A “deadly weapon” is any object, other than a firearm, that will likely cause death or great bodily harm if used in the ordinary and usual manner contemplated by its design and construction.

Give if applicable.

An object not designed to inflict death or great bodily harm may be a “deadly weapon” if it was [used] [or] [threatened to be used] [or] [intended to be used] in a manner likely to cause death or great bodily harm.

“Great bodily harm” means great as distinguished from slight, trivial, minor, or moderate harm, and as such does not include mere bruises.

With no firearm or deadly weapon.

If you find that the defendant carried no firearm or deadly weapon in the course of committing the Robbery by Sudden Snatching, but did commit the Robbery by Sudden Snatching, you should find [him] [her] guilty only of Robbery by Sudden Snatching.

Lesser Included Offenses

*ROBBERY BY SUDDEN SNATCHING — 812.131			
CATEGORY ONE	CATEGORY TWO	FLA. STAT.	INS. NO
Petit theft – second degree		812.014(3)(a)	14.1
	Attempt	777.04(1)	5.1
	Grand theft	812.014(2)(c)	14.1
	Petit theft – first degree	812.014(2)(e)	14.1
	Battery	784.03	8.3
	Assault	84.011	8.1
	Resisting a merchant	812.015(6)	

Comment

*The only increased penalty in the Robbery by Sudden Snatching statute is for carrying a firearm or other deadly weapon, not for carrying a weapon as in the

Robbery statute. In *Sanders v. State*, 944 So. 2d 203, 207 n.3 (Fla. 2006) (Pariente, J., concurring), some Florida Supreme Court justices expressed a preference to have findings for carrying a firearm or a deadly weapon made in a separate interrogatory rather than as part of lesser-included offenses.

A special instruction will be necessary in cases where the deadly weapon was an animal or a substance or something that is not commonly referred to as an “object.”

This instruction was adopted in 2009 [6 So. 3d 574] and amended in 2013 [122 So. 3d 263] and on April 3, 2020.