

**3.3(c) AGGRAVATION OF A FELONY BY COMMITTING AN AGGRAVATED  
BATTERY**

§ 775.087(1), Fla. Stat.

**If you find that** (defendant) **committed** (felony as identified by § 775.087(1), Fla. Stat.) **and you also find beyond a reasonable doubt that during the commission of the crime the defendant committed an aggravated battery, you should find the defendant guilty of** (felony) **with an aggravated battery.**

*Definition.*

**"Aggravated battery" is legally defined as** (adapt, as required by the allegations and evidence, from Instructions 8.4 or 8.4(a)).

**If you find that** (defendant) **committed** (felony, as identified in § 775.087(1), Fla. Stat.) **but you are not convinced beyond a reasonable doubt that [he] [she] committed an aggravated battery, then you should find the defendant guilty only of** (felony).

**Comments**

This instruction should not be given in conjunction with the instructions pertaining to any felony in which the use of a weapon or firearm is an essential element.

This instruction was adopted July 1992 and amended in 2011.