

8.5(b) BATTERY BY STRANGULATION

§ 784.031, Fla. Stat.

To prove the crime of Battery by Strangulation, the State must prove the following two elements beyond a reasonable doubt:

1. (Defendant) **knowingly and intentionally impeded the normal [breathing] [or] [circulation of the blood] of (victim), against [his] [her] will, [by applying pressure on the throat or neck of (victim)] [or] [by blocking the nose or mouth of (victim)].**
2. **In so doing, (Defendant) [created a risk of great bodily harm] [or] [caused great bodily harm] to (victim)].**

Wheeler v. State, 203 So. 3d 1007 (Fla. 4th DCA 2016).

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

Lesser Included Offenses

BATTERY BY STRANGULATION – 784.031			
CATEGORY ONE	CATEGORY TWO	FLA. STAT.	INS. NO.
Battery		784.03	8.3
	Attempt	777.04(1)	5.1

Comment

This instruction was adopted on March 8, 2024.