

# **Assault in the Third Degree Elements**

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## **Assault in the Third Degree Elements**

- 1) The defendant caused physical injury
- 2) The defendant intended to cause physical injury

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# **Assault in the Second Degree**

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# Different Types

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## Assault in the Second Degree

1. With intent to cause serious physical injury to another person, he causes such injury to such person or to a third person; or
2. With intent to cause physical injury to another person, he causes such injury to such person or to a third person by means of a deadly weapon or a dangerous instrument; or

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## Assault in the Second Degree

6. In the course of and in furtherance of the commission or attempted commission of a felony, other than a felony defined in article one hundred thirty which requires corroboration for conviction, or of immediate flight therefrom, he, or another participant if there be any, causes physical injury to a person other than one of the participants;

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**Assault in the Second Degree**

- 8. Being eighteen years old or more and with intent to cause physical injury to a person less than eleven years old, the defendant recklessly causes serious physical injury to such person; or
- 9. Being eighteen years old or more and with intent to cause physical injury to a person less than seven years old, the defendant causes such injury to such person; or

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**Assault in the Second Degree:  
Elements**

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**Assault in the Second Degree (1)**

- 1. With intent to cause serious physical injury to another person, he causes such injury to such person or to a third person

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**Assault in the Second Degree (1)**

1. With intent to cause serious physical injury to another person,
2. he causes such injury to such person (i.e., serious physical injury ) or to a third person

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**Assault in the Second Degree (1)**

- 1) The defendant caused serious physical injury
- 2) The defendant intended to cause serious physical injury

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**Assault in the Second Degree (2)**

- ✓ With intent to cause physical injury to another person, he causes such injury to such person or to a third person by means of a deadly weapon or a dangerous instrument; or

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**Assault in the Second Degree (2)**

1. With intent to cause physical injury to another person,
2. he causes such injury to such person or to a third person
3. by means of a deadly weapon or a dangerous instrument;  
or

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**Assault in the Second Degree (2)**

1. Causes Physical injury
2. Intents to cause physical injury,
3. By means of a
  - ✓ deadly weapon or a
  - ✓ dangerous instrument; or

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**Assault in the Second Degree (6)**

- ✓ In the course of and in furtherance of the commission or attempted commission of a felony, or of immediate flight from the felony,
  - ✓ other than a felony defined in Penal Law art 130 (that requires corroboration for conviction),
- ✓ he, or another participant if there be any, causes physical injury to a person other than one of the participants

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**Assault in the Second Degree (6)**

1. Defendant committed [or attempted to commit] a felony
2. In the course of and in furtherance of the commission or attempted commission of a felony, or of immediate flight from the felony, he, or another participant, causes physical injury to a person other than one of the participants.

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**Assault in the Second Degree (8)**

- ✓ Being eighteen years old or more and with intent to cause physical injury to a person less than eleven years old, the defendant recklessly causes serious physical injury to such person

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**Assault in the Second Degree (8)**

1. Being eighteen years old or more and
2. with intent to cause physical injury to a person less than eleven years old,
3. the defendant recklessly causes serious physical injury to such person (a person less than eleven years old)

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**Assault in the Second Degree (8)**

1. The defendant recklessly causes serious physical injury to a person less than eleven years old
2. The defendant intended to cause physical injury to that person
3. The defendant is over eighteen years old

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**Assault in the Second Degree (9)**

- ✓ Being eighteen years old or more and with intent to cause physical injury to a person less than seven years old, the defendant causes such injury to such person; or

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**Assault in the Second Degree (9)**

1. Being eighteen years old or more and
2. with intent to cause physical injury to a person less than seven years old,
3. the defendant causes physical injury to a person less than seven years old

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**Assault in the Second Degree (9)**

- 1. The defendant causes physical injury to a person less than seven years old
- 2. The defendant intended to cause physical injury to that person,
- 3. The defendant is over eighteen years old

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**Assault in the First Degree**

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**Assault in the First Degree**

- ✓ A person is guilty of assault in the first degree when:
  - 1. With intent to cause serious physical injury to another person, he causes such injury to such person or to a third person by means of a deadly weapon or a dangerous instrument; or
  - 2. With intent to disfigure another person seriously and permanently, or to destroy, amputate or disable permanently a member or organ of his body, he causes such injury to such person or to a third person

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**Assault in the First Degree**

- ✓ A person is guilty of assault in the first degree when:
  4. In the course of and in furtherance of the commission or attempted commission of a felony or of immediate flight therefrom, he, or another participant if there be any, causes serious physical injury to a person other than one of the participants.

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**Assault in the First Degree Elements**

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**Assault in the First Degree (1)**

- ✓ With intent to cause serious physical injury to another person, he causes such injury to such person or to a third person by means of a deadly weapon or a dangerous instrument

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**Assault in the First Degree (1)**

1. With intent to cause serious physical injury to another person,
2. he causes serious physical injury to such person or to a third person
3. by means of a deadly weapon or a dangerous instrument

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**Assault in the First Degree (1)**

1. The defendant causes serious physical injury
2. The defendant intended to to cause serious physical injury,
3. By means of a deadly weapon or a dangerous instrument

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**Assault in the First Degree (2)**

- ✓ With intent to disfigure another person seriously and permanently, or to destroy, amputate or disable permanently a member or organ of his body, he causes such injury to such person or to a third person

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**Assault in the First Degree (2)**

1. With intent to disfigure another person seriously and permanently, or to destroy, amputate or disable permanently a member or organ of his body,
2. he causes
  - a) a serious and permanent disfigurement
  - b) A destruction, amputation or permanent disablement of a member or organ of his body

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**Assault in the First Degree (4)**

- ✓ In the course of and in furtherance of the commission or attempted commission of a felony or of immediate flight therefrom, he, or another participant if there be any, causes serious physical injury to a person other than one of the participants.

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**Assault in the First Degree (4)**

1. In the course of and in furtherance of the commission or attempted commission of a felony or of immediate flight therefrom, he, or another participant if there be any,
2. causes serious physical injury to a person other than one of the participants.

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**Assault in the First Degree (4)**

1. Defendant committed [or attempted to commit] a felony
2. In the course of and in furtherance of the commission or attempted commission of a felony, or of immediate flight from the felony, he, or another participant, causes serious physical injury to a person other than one of the participants.

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