

Florida Law on Assault / Battery

Florida law distinguishes between assault and battery. Moreover, there are degrees of assault and battery that also attract different levels of punishment. As such those who have been accused of assault or battery should take the help of a criminal lawyer or attorney to ensure that they are not accused of more severe crimes.

In general Florida law recognizes that assault is a lesser crime than a battery. While aggravated battery can lead to long term imprisonment, assault usually leads to a fine or a short imprisonment only.

Assault

According to Florida law assault is the threatening of an injury or bodily harm to another person in order to intimidate them. This threat can be verbal or by gesture. However, the prosecution also has to prove that the intended victim was expected to be intimidated by the threat and that the threat was not uttered as a joke. The victim should also be shown to have believed that the accused was able to carry out the threat and believed that the threat was real.

Degrees of Assault

There are degrees of assault depending on the severity of the crime. While a simple assault is considered a second degree misdemeanor and typically awarded a fine or short imprisonment, aggravated assault is a more serious crime, considered a third degree felony. It can lead to a heavier fine or

longer imprisonment. Aggravated assault involves the use of a deadly weapon without the intent to kill or an assault to commit a felony.

Battery

While assault is defined as a threat where there was to physical contact with the victim, battery involves physical contact with the victim without their permission. To prove a battery the prosecution has to prove that the touch occurred without the permission of the victim and also that the intent of the touch was to cause bodily harm. This ensures that accidents that cause injuries are not considered battery.

Degrees of Battery

Normally, a first time offender can only be convicted of battery. However, a person who has earlier been convicted of battery, felony battery, or aggravated battery is considered to have committed a felony battery or third degree felony even if the injuries sustained by the victim are not severe.

Felony Battery/Domestic Battery by Strangulation

A person is considered to have committed felony battery if when they strike another person with intent to cause bodily harm they cause permanent disfigurement or permanent disability. A slightly different charge of battery can be brought against those who knowingly impede the normal breathing of a family member or household member by placing a

hand or an object over their nose or mouth. This action can lead to a charge of domestic battery by strangulation. As domestic battery by strangulation applies only to those who intended to cause bodily harm, it exempts those who act in this manner to administer a medical treatment or procedure.

Aggravated Battery

Aggravated battery is a felony of the second degree and attracts severe punishment if proved. In order to prove aggravated battery the prosecution has to show that the accused intended to harm the victim, used a weapon, caused severe and permanent disfigurement and disability, or caused an injury to a person while being aware that they were pregnant or should have known that they were pregnant.

When a person is accused of battery or assault, a criminal lawyer or attorney defending them can work to reduce the severity of the punishment by showing that the prosecution has not proved the intent to harm or intimidate, that weapons were used, or that the injuries or disfigurement is permanent.

For more information about assault and battery charges in Florida, contact the lawyers at:

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