

ASSAULT IN THE FIRST DEGREE
(Disfigure, Disable)
Penal Law § 120.10(2)
(Committed on or after Sept. 1, 1967)¹

Under our law, a person is guilty of Assault in the First Degree when, with intent to disfigure another seriously and permanently, or to destroy, amputate, or disable permanently a member or organ of the body of another, he or she causes such injury to that person [or to a third person].

The following term used in that definition has a special meaning:

INTENT means conscious objective or purpose. Thus, a person acts with intent to disfigure seriously and permanently another person or to destroy, amputate or disable permanently a member or organ of another person's body when his or her conscious objective or purpose is to cause such injury.²

[A person is seriously disfigured when, considering the nature of the injury as well as its location and any relevant aspects of that person's overall physical appearance, a reasonable observer would find that person's altered appearance distressing or objectionable.

In order for you to find the defendant guilty of this crime, the People are required to prove, from all the evidence in the case, beyond a reasonable doubt, both of the following two elements:

1. That on or about (date) , in the county of (county) , the defendant, (defendant's name) , seriously and permanently disfigured (specify) , or destroyed, amputated, or disabled permanently a member or organ of (specify) 's body; and
2. That the defendant did so with the intent to disfigure (specify) seriously and permanently, or to destroy, amputate, or disable permanently a member or organ of (specify) 's body.

If you find the People have proven beyond a reasonable doubt both of those elements, you must find the defendant guilty of this crime.