**8.6 Assault by Striking or Wounding**

**(18 U.S.C § 113(a)(4))**

 The defendant is charged in [Count \_\_\_\_\_\_\_ of] the information with assault with a dangerous weapon in violation of Section 113(a)(4) of Title 18 of the United States Code. For the defendant to be found guilty of that charge, the government must prove each of the following elements beyond a reasonable doubt:

 First, the defendant assaulted [*name of victim*] by intentionally [[striking] [wounding]] [[him]] [her]]; and

 Second, the assault took place on [*specify place of federal jurisdiction*].

**Comment**

 *See United States v. Pierre*, 254 F.3d 872, 875 (9th Cir. 2001) (holding that assault by

striking, beating, or wounding is not lesser included offense of assault with dangerous weapon).

*Revised Apr. 2019*