

TABLE OF CONTENTS

TABLE OF AUTHORITIES	i
STATEMENT OF THE ISSUES PRESENTED FOR REVIEW	1
STATEMENT OF THE CASE	2
I. NATURE OF THE CASE	2
II. COURSE OF PROCEEDINGS AND DISPOSITION IN THE COURT BELOW	2
III. STATEMENT OF FACTS	4
ARGUMENT	8
I. AS A MATTER OF LAW AN INDIVIDUAL'S RIGHT TO PERSONAL SECURITY IS NOT VIOLATED WHERE THE INDIVIDUAL AFFIRMATIVELY PLACES HIS PERSONAL SECURITY AT RISK BY INSTIGATING A PHYSICAL ALTERCATION.	8
II. THE TRIAL JUDGE'S JURY INSTRUCTIONS ON THE CIVIL RIGHT'S CHARGE WERE IMPROPER BECAUSE THEY RELIEVED THE COMMONWEALTH OF PROVING THE ESSENTIAL ELEMENT THAT VICTIM WAS EXERCISING A PROTECTED RIGHT OR PRIVILEGE.	14
III. THE TRIAL JUDGE COMMITTED PREJUDICIAL ERROR BY INSTRUCTING THE JURY THAT ASSAULT AND BATTERY FOR PURPOSES OF INTIMIDATION DOES NOT HAVE TO BE SOLELY ON ACCOUNT OF RACE WITHOUT ELLABORATION ON THAT ELEMENT.	24
IV. DEFENDANT JOINS THE ARGUMENT OF KEVIN P. SHDEED CALLING FOR ELLABORATION ON FUTURE JURY INSTRUCTIONS FOR ASSAULT AND BATTERY FOR PURPOSES OF INTIMIDATION ON ACCOUNT OF RACE.	29
CONCLUSION	30
CERTIFICATE OF SERVICE	32
CERTIFICATE OF COMPLIANCE	33