

TRANSFERRED INTENT

I have already instructed you that one of the things the prosecutor must prove beyond a reasonable doubt is that the defendant intended to _____. There is a legal principle called “transferred intent” which applies when a person intends to harm one person, but instead harms a different person. If a defendant intends to harm “X” but instead harms “Y,” the defendant’s intent to harm “X” is transferred to “Y.” For purposes of proving the elements of the charge beyond a reasonable doubt, it is the same as if the defendant intended to harm “Y” in the first place.

NOTES:

1. The doctrine of transferred intent not only encompasses unintended victims, but also victims who were unknown to the Defendant. *Commonwealth v. Melton*, 436 Mass. 291, 298 (2002). It also applies without regard to whether the attempted battery was successful. *Id.*