

1. The defendant has been charged with simple assault. To find the defendant guilty of this offense, you must find that all of the following elements have been proven beyond a reasonable doubt:

*First*, that the defendant caused bodily injury to the victim, Dakota McCudden. "Bodily injury" means impairment of physical condition or substantial pain;

*Second*, that the defendant caused such injury with a deadly weapon. A "deadly weapon" is any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or serious bodily injury, or any other device or instrumentality that, in the manner in which it is used or intended to be used, is calculated or likely to produce death or serious bodily injury; and

*Third*, that the defendant's conduct in this regard was negligent. A person acts negligently with respect to the causation of bodily injury when he or she should be aware of a substantial and unjustifiable risk that bodily injury will result from his or her conduct. The risk must be of such a nature and degree that the defendant's failure to perceive it, considering the nature and intent of his or her conduct and the circumstances known to him or her, constitutes a gross deviation from the standard of care that a reasonable person would observe in the defendant's situation.