

**OBSTRUCTING GOVERNMENTAL ADMINISTRATION  
FIRST DEGREE  
(E Felony)  
PENAL LAW 195.07  
(Committed on or after Sept.1, 1984)**

The \_\_\_\_\_ count is Obstructing Governmental Administration in the First Degree.

Under our law, a person is guilty of Obstructing Governmental Administration in the First Degree when that person intentionally obstructs, impairs or perverts the administration of law or other governmental function or prevents or attempts to prevent a public servant from performing an official function, by means of interfering, whether or not physical force is involved, with radio, telephone, television or other telecommunications systems owned or operated by the state, or a county, city, town, village, fire district or emergency medical service<sup>1</sup>, thereby causing serious physical injury to another person.

Some of the terms used in this definition have their own special meaning in our law. I will now give you the meaning of the following terms: "public servant," "intentionally," and "serious physical injury."

**PUBLIC SERVANT** means any public officer or employee of the state or of any political subdivision thereof or of any governmental instrumentality within the state, or any person exercising the functions of any such public officer or employee.<sup>2</sup>

Intent means conscious objective or purpose.<sup>3</sup> Thus, a

---

<sup>1</sup> The statutory definition incorporates by reference the definition of Obstructing Governmental Administration in the Second Degree which is here substituted for that reference.

<sup>2</sup> See Penal Law §10.00(15). The term "public servant" includes a person who has been elected or designated to become a public servant.

<sup>3</sup> See Penal Law § 15.05(1).

person INTENTIONALLY obstructs, impairs or perverts the administration of law or other governmental function or prevents or attempts to prevent a public servant from performing an official function when that person's conscious objective or purpose is to do so.

SERIOUS PHYSICAL INJURY means impairment of a person's physical condition which creates a substantial risk of death, or which causes death, or serious and protracted disfigurement, or protracted impairment of health or protracted loss or impairment of the function of any bodily organ.<sup>4</sup>

If you find that serious physical injury was caused, then it does not matter that the serious physical injury was caused unintentionally or accidentally, rather than with an intention to cause serious physical injury, or that it resulted from the victim's fear or fright.<sup>5</sup>

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, each of the following four elements:

1. That on or about *(date)*, in the county of *(county)*, the defendant, *(defendant's name)*, obstructed, impaired or perverted the administration of law or other governmental function or prevented or attempted to prevent a public servant from performing an official function;

2. That the defendant did so by means of interfering, whether or not physical force is involved, with radio, telephone, television or other telecommunications systems owned or operated by the state, or a county, city, town, village, fire district or emergency medical service;

---

<sup>4</sup> See Penal Law § 10.00(10).

<sup>5</sup> Cf. *People v. Campbell*, 72 N.Y.2d 602 (1988).

3. That the defendant did so intentionally; and

4. That the defendant thereby caused serious physical injury to another person.

Therefore, if you find that the People have proven beyond a reasonable doubt each of those elements, you must find the defendant guilty of the crime of Obstructing Governmental Administration in the First Degree as charged in the \_\_\_ count.

On the other hand, if you find that the People have not proven beyond a reasonable doubt any one or more of those elements, you must find the defendant not guilty of the crime of Obstructing Governmental Administration in the First Degree as charged in the \_\_\_ count.