

**ESCAPE
FIRST DEGREE
(D Felony)
PENAL LAW 205.15(1)
(Escape from Detention Facility by Defendant Charged with,
or Convicted of Felony)
(Committed on or after Sept. 1, 1967)**

The _____ count is Escape in the First Degree.

Under our law, a person is guilty of Escape in the First Degree when, having been charged with] [or convicted of] a felony, he or she escapes from a detention facility.

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: "detention facility," and "escape."

DETENTION FACILITY means any place used for the confinement, pursuant to an order of a court, of a person (a) charged with or convicted of an offense, [or (b) charged with being or adjudicated a youthful offender, person in need of supervision or juvenile delinquent, or (c) held for extradition or as a material witness, or (d) confined pursuant to an order of a court.]¹

ESCAPE means to get away, break away, get free or get clear, with the conscious purpose to evade confinement.²

(Specify the felony of which the defendant was charged or convicted) is a felony.

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,

¹ Penal Law §205.00(1).

² See *People v. Hutchinson*, 56 N.Y.2d 868, 870 (1982).

beyond a reasonable doubt, the following element:

That on or about (date), in the county of (county), the defendant, (defendant's name), having been charged with [or convicted of] a felony, and confined in a detention facility, escaped from that detention facility.

Therefore, if you find that the People have proven beyond a reasonable doubt that element, you must find the defendant guilty of the crime of Escape 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 that element, you must find the defendant not guilty of the crime of Escape in the First Degree as charged in the _____ count.