

**INTIMIDATING A VICTIM OR WITNESS
THIRD DEGREE
(E Felony)
PENAL LAW 215.15
(Committed on or after Nov. 1, 1985)**

The _____ count is Intimidating a Victim or Witness in the Third Degree.

Under our law, a person is guilty of Intimidating a Victim or Witness in the Third Degree when, knowing that another person possesses information relating to a criminal transaction and other than in the course of that criminal transaction or immediate flight¹ therefrom, he or she:

Select appropriate alternative:

Wrongfully compels or attempts to compel such other person to refrain from communicating such information to any court, grand jury, prosecutor, police officer or peace officer by means of instilling in him a fear that the actor will cause physical injury to such other person or another person.

Intentionally damages the property of such other person or another person for the purpose of compelling such other person or another person to refrain from communicating, [or on account of such other person or another person having communicated,] information relating to that criminal transaction to any court, grand jury, prosecutor, police officer or peace officer.

The term, ["physical injury"] ["intentionally"], used in this definition has its own special meaning in our law. I will now give you the meaning of that term.

¹ If "immediate flight" is in issue, see *People v. Gladman*, 41 NY2d 123 (1976).

[PHYSICAL INJURY means impairment of physical condition or substantial pain.²]

[A person INTENTIONALLY damages the property of another when that person's conscious objective or purpose is to do so.³]

In order for you to find the defendant guilty of this crime, the People are required to prove, from all of the evidence in the case, beyond a reasonable doubt, each of the following three elements:

1. That on or about (*date*), in the county of (*county*), the defendant, (*defendant's name*),

Select appropriate alternative element:

wrongfully compelled or attempted to compel (*specify*) to refrain from communicating information relating to a criminal transaction to any court, grand jury, prosecutor, police officer or peace officer by means of instilling in (*specify*) a fear that the defendant will cause physical injury to (*specify*) or another person; and

Or

intentionally damaged the property of (*specify*) or another person for the purpose of compelling (*specify*) or another person to refrain from communicating, [or on account of (*specify*) or another person having communicated,] information relating to that criminal transaction to any court, grand jury, prosecutor, police officer or peace officer]; and

2. That the defendant did so knowing that (*specify*)

²See Penal Law § 10.00(9).

³See Penal Law § 15.05(1).

possessed information relating to that criminal transaction;
and

3. That the defendant did not do so in the course of that criminal transaction or in the immediate flight therefrom.

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 Intimidating a Victim or Witness in the Third 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 Intimidating a Victim or Witness in the Third Degree as charged in the _____ count.