

MANSLAUGHTER IN THE FIRST DEGREE
(Intent to Cause Serious Physical Injury)
Penal Law § 125.20(1)
(Committed on or after Sept. 1, 1967)

The (*specify*) count is Manslaughter in the First Degree.

Under our law, a person is guilty of Manslaughter in the First Degree when, with intent to cause serious physical injury to another person, he or she causes the death of such person [or of a third person].

The following terms used in that definition have a special meaning:

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, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.¹

INTENT means conscious objective or purpose.² Thus, a person acts with intent to cause serious physical injury to another when that person's conscious objective or purpose is to cause serious physical injury to another.

[NOTE: In a case of "transferred intent," add the following paragraph:

Under our law, it is not required that the person who dies be the same person who was intended to be injured.]

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,

²See, Penal Law § 10.00(10).

³See, Penal Law § 15.05(1). If necessary, an expanded definition of "intent" is available in the section on Instructions of General Applicability under Culpable Mental States.

beyond a reasonable doubt, both of the following two elements:

1. That on or about (date), in the county of (county), the defendant, (defendant's name), caused the death of (specify); and
2. That the defendant did so with the intent to cause serious physical injury to (specify).

If you find the People have proven beyond a reasonable doubt both of those elements, you must find the defendant guilty of this crime.

If you find the People have not proven beyond a reasonable doubt either one or both of those elements, you must find the defendant not guilty of this crime.