

MURDER IN THE FIRST DEGREE
("Contract Killing;" Killer)
Penal Law § 125.27(1)(a)(vi)
(Committed on or after Sept. 1, 1995)

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

Under our law, a defendant is guilty of Murder in the First Degree when, with intent to cause the death of another person, the defendant causes the death of such person [*or* of a third person]¹, and the defendant committed the killing pursuant to an agreement with a person other than the intended victim to commit the killing for the receipt [*or* in the expectation of the receipt] of anything of pecuniary value from a party to the agreement [*or* from a person other than the intended victim acting at the direction of a party to such agreement], and the defendant was more than eighteen (18) years old at the time of the commission of the crime.

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

INTENT means conscious objective or purpose. Thus, a person acts with intent to cause the death of another person when his or her conscious objective or purpose is to cause the death of that person.²

PECUNIARY means consisting of money or that which can be valued in money.³

In order for you to find the defendant guilty of this crime, the

¹If transferred intent applies and is in issue, see the definition of transferred intent in the Additional Charges at the end of this article.

² See Penal Law § 15.05(1). For an expanded charge on intent, see General Charges, Culpable Mental States, Intent.

³ See Black's Law Dictionary [6th edition].

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), caused the death of (specify);
2. That the defendant did so with the intent to cause the death of (intended victim);
3. That the defendant committed the killing pursuant to an agreement with a person other than (intended victim) to kill (intended victim) for [or in the expectation of] the receipt of something of pecuniary value from

[Select appropriate alternative:
a party to the agreement

or from a person other than (intended victim) acting at the direction of a party to such agreement]; and

4. That the defendant was more than eighteen (18) years old at the time of the commission of the crime.

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

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

[NOTE: If either of the affirmative defenses -- Extreme Emotional Disturbance (§ 125.27(2)(a)) or Aiding a Suicide (§ 125.27(2)(b)) -- applies, omit the final two paragraphs of the above charge, and substitute one of the charges at the end of this article.]