

## **TRANSFERRED INTENT**

*NOTE: Several provisions of Penal Law §125.27(1) provide that a particular type of person must be the "intended victim" of the homicide or otherwise contain restrictions regarding the defendant's intent. In such situations, if the court determines that transferred intent applies to the charged crime and is in issue, it should provide a transferred intent charge. Such charge should make clear the statutory requirements which relate to the intended victim or the defendant's intent. The following serves as an example, which may be adapted according to the subdivision involved and the individual case.*

### **INTENDED VICTIM IS POLICE OFFICER**

[Penal Law §125.27(1)(a)(i)]

Under this count, the intended victim and the actual victim need not be the same person. In other words, it is not required that the person who died was the same person who was intended to be killed, provided that the intended victim was a police officer engaged in the course of performing his or her official duties and the defendant knew or reasonably should have known that the intended victim was a police officer.