

MISCONDUCT BY A JUROR IN THE FIRST DEGREE
Penal Law § 215.30
(Committed on or after Nov. 1, 1990)

The (*specify*) count is Misconduct by a Juror in the First Degree.

Under our law, a juror is guilty of Misconduct by a Juror in the First Degree when, in relation to an action or proceeding pending or about to be brought before him or her, that juror agrees to give a vote, opinion, judgment, decision or report for or against any party to such action or proceeding.

The term “juror” used in this definition has its own special meaning in our law. I will now give you the meaning of that term.

JUROR means any person who is a member of any jury, including a grand jury, impaneled by any court in this state or by any public servant authorized by law to empanel a jury. [The term juror also includes a person who has been drawn or summoned to attend as a prospective juror.]¹

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, the following element:

That on or about (*date*), in the county of (*specify*), the defendant, (*defendant's name*), was a juror and in relation to an action or proceeding pending or about to be brought before him/her, agreed to give a vote, opinion, judgment, decision or report for or against any party to such action or proceeding.

If you find the People have proven that element beyond a reasonable doubt, you must find the defendant guilty of this crime.

¹ See Penal Law §10.00(16).

If you find the People have not proven that element beyond a reasonable doubt, you must find the defendant not guilty of this crime.