

**MANSLAUGHTER  
FIRST DEGREE  
(B Felony)  
(Intent to Cause Serious Physical Injury)  
PENAL LAW 125.20(1)  
(Committed on or after Sept. 1, 1967)**

The \_\_\_\_\_ 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*].

Some of the terms used in this definition have their own special meaning in our law. I will now give you the meaning of the following terms:<sup>1</sup> "serious physical injury" and "intent."

**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.<sup>2</sup>

**INTENT** means conscious objective or purpose.<sup>3</sup> 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

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<sup>1</sup> If causation, "death," or "person" is in issue, see Additional Charges at the end of this article.

<sup>2</sup> See, Penal Law § 10.00(10).

<sup>3</sup> See, 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.

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, 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).

Therefore, if you find that the People have proven beyond a reasonable doubt both of those elements, you must find the defendant guilty of the crime of Manslaughter in the First Degree as charged in the \_\_\_\_\_ count.

On the other hand, if you find that the People have not proven beyond a reasonable doubt either one or both of those elements, you must find the defendant not guilty of the crime of Manslaughter in the First Degree as charged in the \_\_\_\_\_ count.