

MURDER FIRST DEGREE
(Intentional Murder of Judge)
Penal Law § 125.27(1)(a)(xii)
(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, and the intended victim was a judge and the defendant killed such victim because such victim was, at the time of the killing, a judge, 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 intends to cause the death of another person when his or her conscious objective or purpose is to cause the death of that person.¹

The term JUDGE means any judicial officer who is a member of or constitutes a court [whether referred to in another provision of law as a justice or by any other title].²

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, each of the following five elements:

1. That on or about (date), in the county of (county), the defendant, (defendant's name), caused the death of (specify);

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

² CPL § 1.20 (23).

2. That the defendant did so with the intent to cause the death of (specify);
3. That, at the time of the killing, (specify) was a judge;
4. That the defendant killed (specify) because he/she was, at the time of the killing, a judge; and
5. 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.]