

**MURDER FIRST DEGREE
(CAPITAL)
(Intentional Murder in Furtherance of Act of Terrorism)
PENAL LAW 125.27 (1)(a)(xiii)
(Committed on or after September 17, 2001)**

The 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, he or she causes the death of such person [or of a third person] ¹and the victim was killed in furtherance of an act of terrorism, and the defendant was more than eighteen (18) years old at the time of the commission of the crime.

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 : "Intent" and "act of terrorism."

INTENT means a 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

An ACT OF TERRORISM means activities that involve a violent act or acts dangerous to human life that are in violation of the criminal laws of this state and are intended to:

- (i) intimidate or coerce a civilian population;
- (ii) influence the policy of a unit of government by intimidation or coercion; or

¹ If transferred intent applies and is in issue, see the definitions of transferred intent in the Additional Charges at the end of Article 125.

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

(iii) affect the conduct of a unit of government by murder, assassination or kidnapping.³

The People contend that the criminal laws of this state that were violated is/are: (specify).

[Here define the applicable crime(s).]

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, 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 that person [or a third person];
3. That the victim was killed in the furtherance of an act of terrorism; and
4. That the defendant was more than eighteen (18) years old at the time of the commission of the crime.

Therefore, if you find that the People have proven beyond a reasonable doubt each of those elements, you must find the defendant guilty of the crime of Murder 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 any one or more of those elements, you must find the defendant not guilty of the crime of Murder in the First Degree, as charged in the _____ count.

³ Penal Law §490.05(1)(b).