

**ESCAPE IN THE SECOND DEGREE**  
**Penal Law § 205.10(1)**  
**(Escape from Detention Facility)**  
**(Committed on or after September 1, 1967)**

The (specify) count is Escape in the Second Degree.

Under our law, a person is guilty of Escape in the Second Degree when that person escapes from a detention facility.

The following terms used in that definition have a special meaning:

DETENTION FACILITY means any place used for the confinement, pursuant to an order of a court, of a person (a) charged with or convicted of an offense, or (b) charged with being or adjudicated a youthful offender, person in need of supervision or juvenile delinquent, or (c) held for extradition or as a material witness, or (d) confined pursuant to an order of a court.<sup>1</sup>

ESCAPE means to get away, break away, get free or get clear, with the conscious purpose to evade confinement.<sup>2</sup>

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, the following element:

That on or about (date) , in the county of (county), the defendant, (defendant's name), was confined in a detention facility and escaped from that detention facility.

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

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<sup>1</sup> Penal Law §205.00(1).

<sup>2</sup> *People v Antwine*, 8 NY3d 671, 674 (2007).

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