**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.1

ESCAPE means to get away, break away, get free or get clear, with the conscious purpose to evade confinement.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, 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.

1 Penal Law §205.00(1).

2 *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.

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