

TAMPERING WITH A JUROR IN THE FIRST DEGREE
Penal Law § 215.25
(Committed on or after Nov. 1, 1990)

The (specify) count is Tampering with a Juror in the First Degree.

Under our law, a person is guilty of Tampering with a Juror in the First Degree when, with intent to influence the outcome of an action or proceeding, he or she communicates with a juror in such action or proceeding, except as authorized by law.

No person is authorized by law to communicate with a juror with the intent to influence the outcome of an action or proceeding unless that communication is made as part of and during the official course of that action or proceeding.

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

JUROR means any person who is a member of any jury, including a grand jury, impaneled by any court in this state or by any public servant authorized by law to impanel a jury. [The term juror also includes a person who has been drawn or summoned to attend as a prospective juror.]¹

INTENT means conscious objective or purpose.² Thus, a person acts with intent to influence the outcome of an action or proceeding when his or her conscious objective or purpose is to do so.

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 Penal Law § 10.00(16).

² See Penal Law § 15.05(1).

1. That on or about (date), (specify) was a juror in an action or proceeding;
2. That on that date, in the County of (County), the defendant, (defendant's name), communicated with (specify);
3. That the defendant did so with the intent to influence the outcome of such action or proceeding; and
4. That the communication was not authorized by law.

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.