

MISCONDUCT BY A JUROR IN THE FIRST DEGREE
Penal Law § 215.30
(Committed on or after Nov. 1, 1990)

The (specify) count is Misconduct by a Juror in the First Degree.

Under our law, a juror is guilty of Misconduct by a Juror in the First Degree when, in relation to an action or proceeding pending or about to be brought before him or her, that juror agrees to give a vote, opinion, judgment, decision or report for or against any party to such action or proceeding.

The term “juror” used in that definition has its own 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

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, the following element:

That on or about (date), in the County of (County), the defendant, (defendant's name), was a juror and in relation to an action or proceeding pending or about to be brought before him/her, agreed to give a vote, opinion, judgment, decision or report for or against any party to such action or proceeding.

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

¹ See Penal Law §10.00(16).

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