

**UNLAWFUL FLEEING A POLICE OFFICER  
IN A MOTOR VEHICLE THIRD DEGREE  
Penal Law § 270.25  
(Committed on or after Nov. 1, 2006)**

The (*specify*) count is Unlawful Fleeing a Police Officer in a Motor Vehicle in the Third Degree.

Under our law, a person is guilty of Unlawful Fleeing a Police Officer in a Motor Vehicle in the Third Degree when, knowing that he or she has been directed to stop his or her motor vehicle by a uniformed police officer or a marked police vehicle by the activation of either the lights or the lights and sirens of such vehicle,

he or she thereafter attempts to flee such officer or such vehicle by

*Select appropriate alternative(s):*

driving at speeds which equal or exceed twenty-five miles per hour above the speed limit, *[or]*

engaging in reckless driving<sup>1</sup>.

The following term(s) used in that definition (has / have) a special meaning: <sup>2</sup>

[MOTOR VEHICLE means every vehicle operated or driven upon a public highway which is propelled by any power other than muscular power.]<sup>3</sup>

[RECKLESS DRIVING means driving or using any motor

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<sup>1</sup> The statute continues with reference to the Vehicle and Traffic Law. The language in the charge has been modified for clarity. Thus charge incorporates the definition of “reckless driving” as defined in Vehicle and Traffic Law §1212.

<sup>2</sup> If in issue, the definition of “police officer” is in CPL 1.20 (34).

<sup>3</sup> The term “motor vehicle” is defined in Vehicle and Traffic Law § 125. That definition contains exceptions which are not set forth in the text of this charge.

vehicle, motorcycle or any other vehicle propelled by any power other than muscular power or any appliance or accessory thereof in a manner which unreasonably interferes with the free and proper use of the public highway, or unreasonably endangers users of the public highway.<sup>4</sup>

The following term(s) used in that definition of “reckless driving” (has / have) a special meaning:<sup>5</sup>

MOTORCYCLE means a motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.<sup>6</sup>

PUBLIC HIGHWAY means any highway, road, street, avenue, alley, public place, public driveway or any other public way.<sup>7]</sup>

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 both of the following two elements:

1. That on or about (date) in the county of (county), the defendant (defendant's name), knew that he/she had been directed to stop his/her motor vehicle by a uniformed police officer or a marked police vehicle by the activation of either the lights or the lights and sirens of such vehicle; and
2. That the defendant thereafter attempted to flee such

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<sup>4</sup> Vehicle and Traffic Law § 1212.

<sup>5</sup> Defining the terms “motorcycle” and “public highway” may not be necessary unless the type of vehicle or roadway is at issue.

<sup>6</sup> Vehicle and Traffic Law § 123.

<sup>7</sup> Vehicle and Traffic Law § 134. Some of the terms within the definition of “public highway” are separately defined in article one of the Vehicle and Traffic Law. If an exception or definition is in issue, then the charge should be amplified accordingly.

officer or such vehicle by

Select appropriate alternative(s):

driving at speeds which equaled or exceeded  
twenty-five miles per hour above the speed  
limit, or

engaging in reckless driving.

If you find the People have proven beyond a reasonable doubt both of those elements, you must find the defendant guilty of this crime.

If you find the People have not proven beyond a reasonable doubt either one or both of those elements, you must find the defendant not guilty of this crime.