

EXPANDED CHARGE ON INTENT

Approved 12-11-00

As necessary, add after definition of intent in the CJI2d charge for an offense:

Intent does not require premeditation. In other words, intent does not require advance planning. Nor is it necessary that the intent be in a person's mind for any particular period of time. The intent can be formed, and need only exist, at the very moment the person engages in prohibited conduct or acts to cause the prohibited result, and not at any earlier time.

The question naturally arises as to how to determine whether or not a defendant had the intent required for the commission of a crime.

To make that determination in this case, you must decide if the required intent can be inferred beyond a reasonable doubt from the proven facts.

In doing so, you may consider the person's conduct and all of the circumstances surrounding that conduct, including, but not limited to, the following:

what, if anything, did the person do or say;

what result, if any, followed the person's conduct; and

was that result the natural, necessary and probable consequence of that conduct.¹

Therefore, in this case, from the facts you find to have been proven, decide whether or not you can infer beyond a reasonable doubt that the defendant had the intent required for the commission of this crime.

¹ See *People v. Getch*, 50 N.Y.2d 456 (1980); *People v. Cardoza*, 218 A.D.3d 1291, 1294, [4th Dept 2023] ["the court provided almost verbatim the expanded charge set forth in the Criminal Jury Instructions. The court's language did not improperly shift the burden of proof to defendant but 'merely described a permissive inference'" (citations omitted)].