

**Arraignment On A Special Information  
Charging A Previous Conviction**  
[CPL 200.60]

**Court to Defendant:**

You are charged in the indictment with the crime of (specify). An element of that crime is that you were previously convicted of

Select appropriate alternative:  
an offense / a crime  
(specify the requisite offense).

The People are accordingly required to prove that element beyond a reasonable doubt.

By law, the People were required to charge that element separately from the indictment in a Special Information. That Special Information therefore alleges that on or about (date) in the County of (specify) you were convicted of the offense of (specify).

You may admit, deny, or remain mute with respect that allegation.

If you **admit** that previous conviction, that element of the offense charged in the indictment is deemed established, and the People will not be permitted to introduce any evidence of that previous conviction to prove that element of the offense charged in the indictment.

Select appropriate alternative:

If you **deny** the previous conviction or remain mute, the People may prove that element of the offense charged [before the jury] as a part of their case.

*If the indictment charge is "murder in the first degree" pursuant to Penal Law § 125.27(1)(a)(ix),<sup>1</sup> select the following:*

If you deny the previous murder conviction or stand mute, the People may prove that element of the offense to the jury only after the jury has first found you guilty of intentionally causing the death of a person as charged in the indictment.

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<sup>1</sup> Pursuant to Penal Law § 125.17(1)(a)(ix): A person is guilty of murder in the first degree when with intent to cause the death of another person, he causes the death of such person or of a third person; and prior to committing the killing, the defendant had been convicted of murder as defined in this section or section 125.25 of this article, or had been convicted in another jurisdiction of an offense which, if committed in this state, would constitute a violation of either of such sections.