## Verdict Sheet <sup>1</sup>

## **Affirmative Defense: Extreme Emotional Disturbance**

Court of the State of New York	
County ofx	
^	
The People of the State of New York	Date:
	No:
against	Judge:
	Lawyers:
Defenda	ant.
x	
In accordance with my instructions, as	to count 1, you may find the defendant:
not quilty of murder in the second	degree (count 1 [A]), without having considered
manslaughter in the first degree (	
not quilty of murder in the second	l degree (count 1 [A]) but guilty of manslaughter
<u> </u>	e death; extreme emotional disturbance) (count
guilty of murder in the second de	gree (intent to cause death) (count 1 [A]).
If you find the defendant quilty of either	count 1(A) or count 1(B), do not consider count
2, manslaughter in the first degree (inten	t to cause serious physical injury). If you do not
find the defendant guilty of either count render a verdict of guilty or not guilty.	t 1(A) or count 1(B), then consider count 2, and
render a verdict of ganty of not ganty.	
If. pursuant to these instructions, you fir	nd the defendant guilty of Murder in the Second
Degree [count 1(A)], do not write in or of	therwise check a box for count 1(B) or count 2.
	ns, you find the defendant guilty of Manslaughter write in or otherwise check a box for count 2.2
in the rinst begree [count 1(b)], do not t	write in or otherwise check a box for count 2.

Count	Crime Charged	Not Guilty	Guilty
1 (A)	Murder in the Second Degree (intent to cause death)		
1 (B)	Manslaughter in the First Degree (intent to cause death; extreme emotional disturbance)		
2	Manslaughter in the First Degree (intent to cause serious physical injury)		

<sup>1.</sup> See People v Collins, 99 NY2d 14, 18 (2002), and People v Cole, 85 NY2d 990 (1995) ("a trial court may include on a verdict sheet 'a direction regarding the order in which the submitted charges should be considered""), and compare People v Miller, 18 NY3d 704 (2012) (the inclusion in the verdict sheet of the burden of proof of extreme emotional disturbance was reversible error).

<sup>2.</sup> This paragraph was revised in January, 2018. It previously read: If, pursuant to these instructions, you do not consider a count, then of course do not write in or otherwise check any box for that count.