

**ESCAPE  
FIRST DEGREE  
(D Felony)  
PENAL LAW 205.15(3)  
(Escape from Detention Facility by Youthful Offender)  
(Committed on or after 1983)**

The \_\_\_\_\_ count is Escape in the First Degree.

Under our law, a person is guilty of Escape in the First Degree when, having been adjudicated a youthful offender, which finding was substituted for the conviction of a felony, he or she escapes from a detention facility.

Some of the terms used in this definition have their own special meaning in our law. I will now give you the meaning of the following terms: "detention facility," and "escape."

DETENTION FACILITY means any place used for the confinement, pursuant to an order of a court, of a person (a) charged with being or adjudicated a youthful offender [(b) charged with or convicted of an offense, or (c) charged with being or adjudicated a person in need of supervision or juvenile delinquent, or (d) held for extradition or as a material witness, or (e) confined pursuant to an order of a court.]<sup>1</sup>

ESCAPE means to get away, break away, get free or get clear, with the conscious purpose to evade confinement.<sup>2</sup>

(Specify the felony for which the youthful offender adjudication was substituted) is a felony.

In order for you to find the defendant guilty of this crime, the People are required to prove, from all the evidence in the case,

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<sup>1</sup> Penal Law §205.00(1).

<sup>2</sup> See *People v. Hutchinson*, 56 N.Y.2d 868, 870 (1982).

beyond a reasonable doubt, the following element:

That on or about  (date) , in the county of  (county) , the defendant,  (defendant's name) , having been adjudicated a youthful offender, which finding had been substituted for the conviction of a felony, and being confined in a detention facility, escaped from such detention facility.

Therefore, if you find that the People have proven beyond a reasonable doubt that element, you must find the defendant guilty of the crime of Escape in the First Degree as charged in the \_\_\_\_\_ count.

On the other hand, if you find that the People have not proven beyond a reasonable doubt that element, you must find the defendant not guilty of the crime of Escape in the First Degree as charged in the \_\_\_\_\_ count.