

## CONSCIOUSNESS OF GUILT<sup>1</sup>

In this case the People contend that (*briefly specify the defendant's conduct; e.g. the defendant fled New York shortly after the crime*), and that such conduct demonstrates a consciousness of guilt.

You must decide first, whether you believe that such conduct took place, and second, if it did take place, whether it demonstrates a consciousness of guilt on the part of the defendant.

In determining whether conduct demonstrates a consciousness of guilt, you must consider whether the conduct has an innocent explanation.<sup>2</sup> Common experience teaches that even an innocent person who finds himself or herself under suspicion may resort to conduct which gives the appearance of guilt.<sup>3</sup>

The weight and importance you give to evidence offered to show consciousness of guilt depends on the facts of the case. Sometimes such evidence is only of slight value, and standing alone, it may never be the basis for a finding of guilt.<sup>4</sup>

1. See *People v. Reddy*, 261 N.Y. 479 (1933)
2. See *People v. Yazum*, 13 N.Y.2d 302 (1963).
3. See *People v. Cintron*, 95 N.Y.2d 329 (2000); *People v. Yazum*, 13 N.Y.2d 302 (1963); *People v. Reddy*, *supra*.
4. *People v. Cintron*, *supra*.