**ESCAPE IN THE FIRST DEGREE   
Penal Law § 205.15(1)   
(Escape from Detention Facility by Defendant Charged   
with, or Convicted of Felony)   
(Committed on or after Sept. 1, 1967)**

The (specify) count is Escape in the First Degree.

Under our law, a person is guilty of Escape in the First Degree when, having been charged with] [*or* convicted of] a felony, he or she escapes from a detention facility.

The following terms used in that definition have a special meaning:

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

ESCAPE means to get away, break away, get free

or get clear, with the conscious purpose to evade confinement.2

*(Specify the felony of which the defendant was charged or convicted)* 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, beyond a reasonable doubt, the following element:

1 Penal Law §205.00(1).

2 *See People v Antwine, 8 NY3d 671, 674 (2007).*

That on or about  *(date)*  , in the county of  *(county)*  , the defendant, *(defendant's name)*, having been charged with [*or* convicted of] a felony, and confined in a detention facility, escaped from that detention facility.

If you find the People have proven that element beyond a reasonable doubt, you must find the defendant guilty of this crime.

If you find the People have not proven that element beyond a reasonable doubt, you must find the defendant not guilty of this crime.

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