Verdict Sheet

(*Specify*) Court of the State of New York

County of (*Specify*)

x

The People of the State of New York Date:

No:

against Judge:

Lawyers:

Defendant.

x

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  |  | **Not Guilty** | **Guilty** | **Not Responsible by Reason of Mental Disease or Defect** |
| Count1 | **Murder in the Second Degree** |  |  |  |

As to count 1, Murder in the Second Degree, you may find the defendant:

* Not Guilty, *or*
* Guilty, *or*
* Not Responsible by Reason of Mental Disease or Defect

To make that determination, you must consider this count as follows:

* First, consider whether the People have proven the elements of count 1 (Murder in the Second Degree).
* If you find that the People *have not* proven the elements of count 1 (Murder in the Second Degree) then you must find the defendant “Not Guilty” of that crime; and you must proceed to consider and render a verdict on count 2 (Manslaughter in the First Degree).
* If you find that the People *have* proven the elements of count 1 (Murder in the Second Degree) then you must consider the affirmative defense that the defendant lacked criminal responsibility by reason of mental disease or defect.

• If you find that the defendant *has* proven the affirmative defense, then you must find the defendant “Not Responsible by Reason of Mental Disease or Defect” of count 1 (Murder in the Second Degree); and then you must stop deliberating, do not consider count 2 (Manslaughter in the First Degree) and report to the Court that you have reached a verdict.

• If you find that the defendant *has not* proven his affirmative defense, then you must find the defendant “Guilty” of count 1 (Murder in the Second Degree), and then you must stop deliberating, do not consider count 2 (Manslaughter in the First Degree) and report to the Court that you have a verdict.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  |  | **Not Guilty** | **Guilty** | **Not Responsible by Reason of Mental Disease or Defect** |
| Count 2 | **Manslaughter in the First Degree** |  |  |  |

If pursuant to the above instructions, you are to consider count 2 (Manslaughter in the First Degree), you may, as to count 2, find the defendant:

* Not Guilty, *or*
* Guilty, *or*
* Not Responsible by Reason of Mental Disease or Defect

To make that determination, you must consider this count as follows:

* First, consider whether the People have proven the elements of count 2 (Manslaughter in the First Degree).
* If you find that the People *have not* proven the elements of count 2 (Manslaughter in the First Degree): you must find the defendant “Not Guilty” of that crime; and you must report to the Court that you have reached a verdict.
* If you find that the People *have* proven the elements of count 2 (Manslaughter in the First Degree), then you must consider the affirmative defense that the defendant lacked criminal responsibility by reason of mental disease or defect.
* If you find that the defendant *has* proven his affirmative defense, then, you must find the defendant “Not Responsible by Reason of Mental Disease or Defect” of count 2, (Manslaughter in the First Degree); and you must report to the Court that you have reached a verdict.
* If you find that the defendant *has not* proven his affirmative defense, then, you must find the defendant “Guilty” of count 2 (Manslaughter in the First Degree); and report to the Court that you have reached a verdict.

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