**Verdict Sheet 1**

**Affirmative Defense: Extreme Emotional Disturbance**

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| Court of the State of New York  County of  x  The People of the State of New York Date:  No:  against Judge:  Lawyers:  Defendant.  x |

***In accordance with my instructions, as to count 1, you may find the defendant:***

***not guilty of murder in the second degree (count 1 [A]), without having considered manslaughter in the first degree (count 1 [B]), or***

***not guilty of murder in the second degree (count 1 [A]) but guilty of manslaughter in the first degree (intent to cause death; extreme emotional disturbance) (count 1 [B]), or***

***guilty of murder in the second degree (intent to cause death) (count 1 [A]).***

***If you find the defendant guilty of either count 1(A) or count 1(B), do not consider count 2, manslaughter in the first degree (intent to cause serious physical injury). If you do not find the defendant guilty of either count 1(A) or count 1(B), then consider count 2, and render a verdict of guilty or not guilty.***

**If, pursuant to these instructions, you find the defendant guilty of Murder in the Second Degree [count 1(A)], do not write in or otherwise check a box for count 1(B) or count 2. Similarly, if, pursuant to these instructions, you find the defendant guilty of Manslaughter in the First Degree [count 1(B)], do not write in or otherwise check a box for count 2.2**

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

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