

PROCEEDING

1 comes in.

2 *** (DELIBERATIONS) ***

3 THE COURT: We have a note. I'm going to read to them
4 the charge on murder in the second-degree and kidnapping.

5 MR. DRUCKER: Yes, your Honor.

6 COURT OFFICER: Jury entering.

7 MR. WILLIAMS: Your Honor, may we approach briefly?

8 THE COURT: Yes.

9 (Discussion at the bench was held off the record).

10 THE COURT: Okay. So you asked me for the instructions
11 on the law regarding felony murder. Regarding the
12 kidnapping. And I will do that.

13 The penal law states a person is guilty of murder in
14 the second-degree when acting either alone or with one or
15 more other persons he commits or attempts to commit a
16 kidnapping and in the course of and in furtherance of the
17 crime or of the immediate flight from the crime he or
18 another participant causes the death of a person other than
19 one of the participants.

20 Under our law a person is guilty of kidnapping in the
21 second-degree when he abducts another person. To abduct
22 means to restrain a person with the intent to prevent the
23 person's liberation either by secreting or holding him in a
24 place where he is not likely to be found or by using or
25 threatening to use deadly physical force.

Lourdes Torres-Fuster, Senior Court Reporter