

CRIMINAL IMPERSONATION SECOND DEGREE
(Impersonation of a Representative)
Penal Law § 190.25 (2)
(Committed on or after Sept. 1, 1980)
(Revised August 2004)

The (*specify*) count is Criminal Impersonation in the Second Degree.

Under our law, a person is guilty of Criminal Impersonation in the Second Degree when he or she knowingly¹ pretends to be a representative of some person or organization and does an act in such pretended capacity with intent to obtain a benefit or to injure² or defraud another.

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

[BENEFIT means any gain or advantage to the beneficiary and includes any gain or advantage to a third person pursuant to the desire or consent of the beneficiary.³]

A person KNOWINGLY pretends to be a representative of some person or organization when he or she is aware that he or she is doing so.

INTENT means conscious objective or purpose.⁴ Thus, a person acts with intent to obtain a benefit or to injure or defraud another when that person's conscious objective or purpose is to do so.

¹ This charge was revised August 3, 2004, to add the word "knowingly" in order to comport with Penal Law § 15.05 (2).

² See *People v Golb*, 23 NY3d 455 (2014) (an intent to injure another includes, but is not limited to, an intent to injure another person's reputation).

³ Penal Law § 10.00 (17).

⁴ See Penal Law § 15.05 (1).

In order for you to find the defendant guilty of this crime, the People are required to prove, from all of the evidence in the case, beyond a reasonable doubt, both of the following two elements:

1. That on or about (*date*), in the county of (*County*), the defendant (*defendant's name*), knowingly pretended to be a representative of some person or organization; and

2. That the defendant did an act in such pretended capacity with intent to obtain a benefit or to injure or defraud another.

If you find the People have proven beyond a reasonable doubt both of those elements, you must find the defendant guilty of this crime.

If you find the People have not proven beyond a reasonable doubt either one or both of those elements, you must find the defendant not guilty of this crime.