**IDENTITY THEFT FIRST DEGREE

(Obtains goods, etc. exceeding $2000)

Penal Law § 190.80(1)

(Committed on or after Nov. 1, 2002)**

The (*specify*) count is Identity Theft in the First Degree.

Under our law, a person is guilty of Identity Theft in the First Degree when he or she knowingly, and with intent to defraud, assumes the identity of another person

*Select appropriate alternative(s):*

by presenting himself/herself as that person [or]

by acting as that person [or]

by using personal identifying information of that person,1

and thereby obtains goods, money, property or services or uses credit in the name of such other person

in an aggregate amount that exceeds two thousand dollars.

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

A person KNOWINGLY assumes the identity of another person when that person is aware that he or she has assumed the identity of that other person.2

INTENT means conscious objective or purpose. Thus, a person acts with intent to defraud when his or her conscious objective or purpose is to do so.3

1 *See People v. Roberts*, 31 N.Y.3d 406, 419 (2018) (“the requirement that a defendant assumes the identity of another is not a separate element of the crime. Rather, it simply summarizes and introduces the three categories of conduct through which an identity may be assumed”).

2 *See* Penal Law §15.05(2).

3 *See* Penal Law §15.05(1).