

**INTRODUCTORY CHARGE TO
ROBBERY
PENAL LAW 160
(Revised April, 4 2003)¹**

[NOTE: The Introductory Charge to Robbery must be given once and prior to giving an instruction on one or more of the degrees of robbery.]

The ___ count(s) charges/charge a degree of Robbery.

Under our law, Robbery is defined as forcible stealing.

The term “stealing,” which the law also calls larceny, and the term “forcible stealing” have their own special meaning in our law. I will now give you the meaning of those terms.²

A person **STEALS** property and commits **LARCENY** when,

with the intent to deprive another of property or to appropriate the property to himself or herself [*or to a third person*],

such person wrongfully takes, obtains, or withholds property from the owner of the property.³

¹The purpose of the revision is to conform the definition of larceny with the revision of that definition made at the same time in the charges defining larceny. See, e.g., CJI2d [NY] Penal Law § 155.25.

²The following summary definition of larceny should be used unless the circumstances of the case suggest the need for, or a party requests, a complete explanation of one or more of the terms used in the definition of larceny. In that event, you must use the standard charge on larceny or the appropriate portion thereof set forth in the charge of Petit Larceny.

³See Penal Law § 155.05(1).

A person **FORCIBLY STEALS** property and commits robbery when, in the course of committing a larceny, such person uses or threatens the immediate use of physical force upon another person:

for the purpose of compelling the owner of such property [*or* another person] to deliver up the property; *or*,

for the purpose of preventing or overcoming resistance to the taking of the property;

[*or* for the purpose of preventing or overcoming resistance to the retention of the property, immediately after the taking];

[*or* for the purpose of compelling the owner of such property to engage in other conduct which aids in the commission of the larceny].

I will now define for you the degree(s) of Robbery charged in this case, specifically (list the crime[s] of robbery that are being submitted to the jury):