

**CRIMINAL IMPERSONATION SECOND DEGREE
(A Misdemeanor)
(Impersonation of a Representative)
Penal Law § 190.25 (2)**

The _____ 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 injure or defraud another.

Some of the terms used in this definition have their own special meaning in our law. I will now give you the meaning of the following terms: [“benefit”] “knowingly,” and “intent.”

[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.²]

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.³ 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.

In order for you to find the defendant guilty of this crime, the

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

² Penal Law § 10.00(17).

³ See Penal Law § 15.05 (1)

People are required to prove, from all the evidence in the case, beyond a reasonable doubt, each of the following three 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.

Therefore, if you find that the People have proven beyond a reasonable doubt both of those elements, you must find the defendant guilty of the crime of Criminal Impersonation in the Second Degree as charged in the _____ count.

On the other hand, if you find that the People have not proven beyond a reasonable doubt either one or both of those elements, you must find the defendant not guilty of the crime of Criminal Impersonation in the Second Degree as charged in the _____ count.