

**RESISTING ARREST**  
**A Misdemeanor**  
**PENAL LAW 205.30**  
**(Committed on or after Sept. 1, 1980)**

The \_\_\_\_ count is Resisting Arrest.

Under our law, a person is guilty of Resisting Arrest when he or she intentionally prevents or attempts to prevent a police officer [or peace officer] from effecting an authorized arrest of himself or herself [or another person].

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: “intentionally” and “authorized arrest.”<sup>1</sup>

Intent means conscious objective or purpose. Thus, a person INTENTIONALLY prevents or attempts to prevent a police officer [or peace officer] from effecting an authorized arrest of himself/herself [or another person] when his or her conscious objective or purpose is to do so.

[An arrest is authorized when the police officer [or peace officer] making the arrest has reasonable cause to believe that the person being arrested has committed a crime.<sup>2</sup> Reasonable cause does not require proof that the crime was in fact committed. Reasonable cause exists when a police officer [or peace officer] has knowledge of facts and circumstances sufficient to support a reasonable belief that a crime has been or is being committed.<sup>3</sup>]

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<sup>1</sup> If necessary, a definition of police officer or peace officer is set forth in CPL 1.20(33) and (34).

<sup>2</sup> This portion of the charge assumes an arrest for a crime only as authorized by the provisions of CPL 140.10(1)(b). If the arrest was authorized pursuant to some other subdivision of CPL 140.10 or other law, substitute the applicable provision of law.

<sup>3</sup> See *People v. Maldonado*, 86 N.Y.2d 631 (1995).

In order for you to find the defendant guilty of this crime, the People are required to prove, from all 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), prevented or attempted to prevent a police officer [or peace officer] from effecting an authorized arrest of himself/herself [or another person]; and
2. That the defendant did so intentionally.

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 Resisting Arrest 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 Resisting Arrest as charged in the \_\_\_\_\_ count.