

ASSAULT SECOND DEGREE
(D Felony)
(Interference with New York City Housing Employee)
PENAL LAW 120.05 (3-b)
(Committed on or after September 3, 2014)

The _____ count is Assault in the Second Degree.

Under our law, a person is guilty of Assault in the Second Degree when, with intent to prevent an employee of the New York city housing authority from performing his or her lawful duties while located on housing project grounds, real property, or a building owned, managed, or operated by such authority he or she causes physical injury to such employee.

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: “intent” and “physical injury.”

INTENT means conscious objective or purpose. Thus, a person acts with intent to prevent an employee of the New York city housing authority from performing his or her lawful duties while located on housing project grounds, real property, or a building owned, managed, or operated by such authority when that person's conscious objective or purpose is to do so.¹

PHYSICAL INJURY means impairment of physical condition or substantial pain.²

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, each of the following three elements:

¹ See Penal Law § 15.05 (1).

² Penal Law § 10.00 (9); See *People v Chiddick*, 8 NY3d 445 (2007).

1. That on or about (date), (specify name of complainant) was an employee of the New York city housing authority;
2. That on or about that date in the county of (County), the defendant, (defendant's name), caused physical injury to (specify name of complainant); and
3. That the defendant did so with the intent to prevent (specify name of complainant) from performing his or her lawful duties while located on housing project grounds, real property, or a building owned, managed, or operated by the New York City housing authority.

Therefore, if you find that the People have proven beyond a reasonable doubt each of those elements, you must find the defendant guilty of the crime of Assault 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 any one or more of those elements, you must find the defendant not guilty of the crime of Assault in the Second Degree as charged in the _____ count.