

**STALKING THIRD DEGREE  
(PENAL LAW 120.50(1) and (2))  
No charge prepared  
See CJI2d [NY] Penal Law § 120.45**

No charge has been prepared. See charges for Stalking in the Fourth Degree [Penal Law § 120.45], which forms the initial elements of these crimes.

With respect to a previous conviction referred to in Penal Law § 120.50(2), the defendant must be arraigned upon a special information alleging the previous conviction, in accordance with the procedure set forth in CPL § 200.60(3). If, upon such arraignment, the defendant admits the previous conviction, the court must not make any reference to it in the definition of the crime or in listing its elements. But if the defendant denies the previous conviction or remains mute, the court must add this element to the definition of the crime and the list of elements. See, *People v. Cooper*, 78 NY2d 476 (1991).