

## AGGREGATE VALUE OF STOLEN PROPERTY<sup>1</sup>

***[NOTE: WHEN A LARCENY IS BASED ON THE AGGREGATED VALUE OF PROPERTY STOLEN IN A SERIES OF THEFTS, INSERT THE FOLLOWING AT THE POINT INDICATED IN THE STANDARD CHARGE, IN LIEU OF THE ELEMENTS OF THE CRIME AS SET FORTH IN THE STANDARD CHARGE.]***

In this case, the People contend that the value of the property in question is the total value of property allegedly stolen on different occasions over a period of time. Therefore, the People are required to prove beyond a reasonable doubt that the defendant stole such property pursuant to a single, ongoing intent to steal that property in successive stages.

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. That on or about and between (date) and (date), in the county of (county), the defendant, (defendant's name), wrongfully took, obtained, or withheld (specify property) from its owner;
2. That the defendant did so pursuant to a single, ongoing intent to deprive another of the property or to appropriate the property to himself/herself [*or to a third person*]; and
3. That the total value of the property exceeded (specify

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<sup>1</sup> See *People v. Cox*, 286 N.Y. 187 (1941); *People v. Rossi*, 5 N.Y.2d 396, 401 (1959); *People v. Barry*, 46 A.D.3d 1340, 1341 (4<sup>th</sup> Dept. 2007).

amount) dollars.

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 Grand Larceny in the (Specify) 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 Grand Larceny in the (Specify) Degree as charged in the \_\_\_\_\_ count.