

**FRAUDULENTLY OBTAINING  
A SIGNATURE  
(A Misdemeanor)  
PENAL LAW 165.20  
(Committed on or after Sept. 1, 1967)**

The \_\_\_\_\_ count is Fraudulently Obtaining a Signature.

Under our law, a person is guilty of Fraudulently Obtaining a Signature when, with intent to defraud or injure another or to acquire a substantial benefit for himself or herself [*or* a third person], he or she obtains the signature of a person to a written instrument by means of any misrepresentation of fact which he or she knows to be false.

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,” “obtain,” and “written instrument.”

INTENT means conscious objective or purpose.<sup>1</sup> Thus, a person acts with intent to defraud or injure another or to acquire a substantial benefit for himself or herself [*or* a third person] when that person’s conscious objective or purpose is to defraud or injure another or to acquire a substantial benefit for himself or herself [*or* a third person].

OBTAIN includes, but is not limited to, the bringing about of a transfer or purported transfer of property or a service, or of a legal interest therein, whether to the obtainer or another.<sup>2</sup>

The term WRITTEN INSTRUMENT includes any instrument

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<sup>1</sup>See Penal Law § 15.05(1).

<sup>2</sup>See Penal Law § 155.00(2).

or article, [including computer data or a computer program,<sup>3</sup>] containing written or printed matter or the equivalent thereof, used for the purpose of reciting, embodying, conveying or recording information [*or* constituting a symbol or evidence of value, right, privilege or identification], which is capable of being used to the advantage or disadvantage of some person.<sup>4</sup>

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), obtained the signature of (specify) on a written instrument by means of a misrepresentation of fact which the defendant knew to be false; and
2. That the defendant did so with the intent to defraud or injure another person or to acquire a substantial benefit for himself/herself [*or* a third person].

Therefore, if you find that the People have proven beyond a reasonable doubt both of those elements, you must find the defendant guilty of Fraudulently Obtaining a Signature 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, then you must find the defendant not guilty of Fraudulently Obtaining a Signature as charged in the \_\_\_\_\_ count.

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<sup>3</sup>If the meaning of "computer data" or "computer program" is in issue, see definitions of those terms in Penal Law § 156.00(2) and (3).

<sup>4</sup>See Penal Law § 170.00(1).