

**FORGERY FIRST DEGREE**  
**(C Felony)**  
**(Falsely Making, Completing or Altering a Specific Instrument)**  
**PENAL LAW 170.15**  
**(Committed on or After September 1, 1967)**

The \_\_\_\_\_ count is Forgery in the First Degree.

Under our law, a person is guilty of Forgery in the First Degree when, with intent to defraud, deceive or injure another, he or she falsely makes, completes or alters a written instrument which is or purports to be or which is calculated to become or to represent if completed (*specify appropriate instrument as set forth in Penal Law §170.15*<sup>1</sup>)

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<sup>2</sup>: "intent", "written instrument", and "falsely makes," "falsely completes," or "falsely alters."

INTENT means conscious objective or purpose.<sup>3</sup> Thus, a person acts with intent to defraud or deceive or injure another when that person's conscious objective or purpose is to do so.

A WRITTEN INSTRUMENT means any instrument or article [including computer data or a computer program] containing

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<sup>1</sup>The instruments specified in the respective subdivisions of Penal Law §170.15 are:

1. Part of an issue of money, stamps, securities, or other valuable instruments issued by a government or governmental instrumentality; or
2. Part of an issue of stock, bonds, or other instruments representing interests in or claims against a corporate or other organization or its property.

<sup>2</sup>Depending on the evidence, it may not be necessary to define all three of the methods by which a written instrument may be forged.

<sup>3</sup>See Penal Law §15.05(1).

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>

A written instrument can be either complete or incomplete.

A complete written instrument means one which purports to be a genuine written instrument fully drawn with respect to every essential feature thereof.<sup>5</sup>

[NOTE: Add where appropriate:

An endorsement, attestation, acknowledgment or other similar signature or statement is deemed both a complete written instrument in itself and a part of the main instrument in which it is contained or to which it attaches.<sup>6</sup>]

An incomplete written instrument means one which contains some matter by way of content or authentication but which requires additional matter in order to render it a complete written instrument.<sup>7</sup>

A person FALSELY MAKES a written instrument when he or she makes or draws a complete written instrument in its entirety, or an incomplete written instrument, which purports to be an authentic creation of its ostensible maker or drawer, but which is not such either because the ostensible maker or drawer is fictitious or because, if real, he or she did not authorize the

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<sup>4</sup>See Penal Law §170.00(1).

<sup>5</sup>See Penal Law §170.00(2).

<sup>6</sup>Id.

<sup>7</sup>See Penal Law §170.00(3).

making or drawing thereof.<sup>8</sup>

A person FALSELY COMPLETES a written instrument when, by adding, inserting or changing matter, he or she transforms an incomplete written instrument into a complete one, without the authority of anyone entitled to grant it, so that such complete instrument appears or purports to be in all respects an authentic creation of or fully authorized by its ostensible maker or drawer.<sup>9</sup>

A person FALSELY ALTERS a written instrument when, without the authority of anyone entitled to grant it, he or she changes a written instrument, whether it be in a complete or incomplete form, by means of erasure, obliteration, deletion, insertion of new matter, transposition of matter, or in any other manner, so that such instrument in its thus altered form appears or purports to be in all respects an authentic creation of or fully authorized by its ostensible maker or drawer.<sup>10</sup>

In order for you to find the defendant guilty of this crime, the People are required to prove, from all of the evidence in the case, beyond a reasonable doubt, each of the following two elements:

1. That on or about \_\_\_\_\_ (*date*), in the County of \_\_\_\_\_ (*county*), the defendant, \_\_\_\_\_ (*defendant's name*), falsely made, completed or altered a written instrument which was, or purported to be, or which was calculated to become, or to represent if completed (*specify appropriate Penal Law §170.15 instrument*); and

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<sup>8</sup>See Penal Law §170.00(4).

<sup>9</sup>See Penal Law §170.00(5).

<sup>10</sup>See Penal Law §170.00(6).

2. That the defendant did so with the intent to defraud, deceive or injure another.

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 Forgery in the First Degree 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 Forgery in the First Degree as charged in the \_\_\_\_\_ count.