

**CRIMINAL MISCHIEF IN THE FOURTH DEGREE**  
**(Destruction of Abandoned Building)**  
**Penal Law § 145.00(2)**  
**(Committed on or after Sept. 1, 1983)**

The (*specify*) count is Criminal Mischief in the Fourth Degree.

Under our law, a person is guilty of Criminal Mischief in the Fourth Degree when that person, having no right to do so nor any reasonable ground to believe that he or she has such right, intentionally participates in the destruction of an abandoned building.

The following terms used in that definition have a special meaning:

Intent means conscious objective or purpose. Thus a person INTENTIONALLY participates in the destruction of an abandoned building when his or her conscious objective or purpose is to participate in the destruction of an abandoned building.<sup>1</sup>

ABANDONED BUILDING means a dwelling, which has been certified by the municipality as being abandoned.<sup>2</sup>

DESTRUCTION OF AN ABANDONED BUILDING occurs when a person intentionally removes or damages any fixture or part of the structure of an abandoned building.<sup>3</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, both of the following two elements:

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<sup>1</sup>See Penal Law § 15.05(1).

<sup>2</sup>See Real Property Actions and Proceedings Law § 1971.

<sup>3</sup>See Real Property Actions and Proceedings Law § 1971-a.

1. That on or about (date), in the county of (county), the defendant, (defendant's name), intentionally participated in the destruction of an abandoned building; and
2. That the defendant had no right to do so nor any reasonable ground to believe that he/she had such right.

If you find the People have proven beyond a reasonable doubt both of those elements, you must find the defendant guilty of this crime.

If you find the People have not proven beyond a reasonable doubt either one or both of those elements, you must find the defendant not guilty of this crime.