

**ROBBERY IN THE SECOND DEGREE**  
**(Physical Injury)**  
**Penal Law §160.10(2)(a)**  
**(Committed on or after Sept. 1, 1969)**

*[NOTE: Before instructing a jury on any specific robbery charge, read once the introductory Robbery charge found at the beginning of this chapter.]*

The (*specify*) count is Robbery in the Second Degree.

Under our law, a person is guilty of Robbery in the Second Degree when that person forcibly steals property and when in the course of the commission of the crime [*or of immediate flight therefrom*], that person [*or another participant in the crime*] causes physical injury to any person who is not a participant in the crime.

The following term used in that definition has a special meaning:

PHYSICAL INJURY means impairment of physical condition or substantial pain.<sup>1</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), forcibly stole property from (specify); and
2. That in the course of the commission of the crime [*or of immediate flight therefrom*], the defendant [*or another participant in the crime*] caused physical

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<sup>1</sup>Penal Law § 10.00(9); See *People v. Chiddick*, 8 NY3d 445 (2007).

injury to (specify) and (specify) was not was not a participant in the crime.

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.