

ROBBERY IN THE FIRST DEGREE
(Serious Physical Injury)
Penal Law § 160.15(1)
(Committed on or after Sept. 1, 1967)

[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 First Degree.

Under our law, a person is guilty of Robbery in the First 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 serious physical injury to any person who is not a participant in the crime.

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

SERIOUS PHYSICAL INJURY means impairment of a person's physical condition which creates a substantial risk of death or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.¹

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*

¹See Penal Law § 10.00(10).

of immediate flight therefrom], the defendant [*or* another participant in the crime] caused serious physical injury to (specify) and (specify) was not a participant in the robbery.

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.