

**ROBBERY
FIRST DEGREE
(B felony)
(Deadly Weapon)
PENAL LAW 160.15(2)
(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 ___ 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 is armed with a deadly weapon.

The term DEADLY WEAPON means:

any loaded weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged;

[*or a switchblade knife defined as any knife having a blade which opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife*];

[*or a gravity knife defined as any knife having a blade which is released from the handle or sheath thereof by the force of gravity or the application of centrifugal force which, when released, is locked in place by means of a button, spring, lever or other device*];

[*or a pilum ballistic knife defined as any knife having a blade which can be projected from the handle by hand pressure applied*

to a button, lever, spring or other device in the handle of the knife];

[or a dagger] [or a billy] [or a blackjack] [or metal knuckles].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; 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] was armed with a deadly weapon.

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 Robbery 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 Robbery in the First Degree

¹See Penal Law § 10.00(12). The “pilum ballistic knife” was added effective November 1, 1986. See, Penal Law § 265.00 for the definitions of “switchblade knife,” “gravity knife,” “pilum ballistic knife.”