

JOSTLING
(A Misdemeanor)
(Crowding While Another
Places Hand in Proximity
of Pocket or Handbag)
PENAL LAW 165.25(2)
(Committed on or after Sept. 1, 1967)

The _____ count is Jostling.

Under our law, a person is guilty of Jostling when, in a public place, that person intentionally and unnecessarily jostles or crowds another person at a time when a third person's hand is in the proximity of such person's pocket [*or* handbag].

The term "intentionally" used in this definition has its own special meaning in our law. I will now give you the meaning of that term.

A person INTENTIONALLY jostles or crowds another person at a time when a third person's hand is in the proximity of such person's pocket [*or* handbag] when his or her conscious objective or purpose is to jostle or crowd another person at a time when a third person's hand is in the proximity of such person's pocket [*or* handbag].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), in a public place, the defendant, (defendant's name), jostled or crowded (specify) at a time when a third person's hand was in the proximity of (specify)'s pocket [*or* handbag]; and

¹See Penal Law § 15.05(1).

2. That the defendant did so intentionally and unnecessarily.

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 Jostling 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 Jostling as charged in the _____ count.