

Revised: January, 2018<sup>1</sup>

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<sup>1</sup> This instruction was revised to accord with *Golb v. AttorneyGeneral*, 870 F.3d 89 (2d Cir. 2017) by insertion of the third paragraph, which reads: "An intent to defraud, deceive, or injure another must include an intent to cause harm to that person." See also *People v. Golb*, 23 NY3d 455 (2014).

<sup>2</sup>The instruments specified in the respective subdivisions of Penal Law §170.10 are:

1. A deed, will, codicil, contract, assignment, commercial instrument, credit card, or other instrument which does or may evidence, create, transfer, terminate or otherwise affect a legal right, interest, obligation or status; or
2. A public record, or an instrument filed or required or authorized by law to be filed in or with a public office or public servant; or
3. A written instrument officially issued or created by a public office, public servant or governmental instrumentality; or
4. Part of an issue of tokens, public transportation transfers, certificates or other articles manufactured and designed for use as symbols of value useable in place of money for the purchase of property or services; or
5. A prescription of a duly licensed physician or other person authorized to issue the same for any drug or any instrument or device used in the taking or administering of drugs for which a prescription is required by law.