

CRIMINAL SIMULATION
(Making or Altering Object with Intent to Defraud)
Penal Law § 170.45(1)
(Committed On or After September 1, 1967)

The (*specify*) count is Criminal Simulation.

Under our law, a person is guilty of Criminal Simulation when, with intent to defraud, he or she makes or alters any object in such manner that it appears to have an antiquity, rarity, source, or authorship which it does not in fact possess.

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

INTENT means a conscious objective or purpose.¹ Thus, a person acts with intent to defraud when that person's conscious objective or purpose is to do so.

In order for you to find the defendant guilty of this crime, the People are required to prove, from all of 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) , made or altered (name of object) , in such manner that it appeared to have an antiquity, rarity, source, or authorship which it does not in fact possess; and
2. That the defendant did so with intent to defraud.

If you find the People have proven beyond a reasonable doubt both of those elements, you must find the defendant guilty

¹See Penal Law § 15.05(2).

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.