

CRIMINAL SIMULATION
(A Misdemeanor)
(Making or Altering Object with Intent to Defraud)
PENAL LAW 170.45(1)
(Committed On or After September 1, 1967)

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

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.

Therefore, if you find that the People have proven beyond

¹See Penal Law § 15.05(2).

a reasonable doubt both of these elements, you must find the defendant guilty of the crime of Criminal Simulation 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 Criminal Simulation as charged in the _____ count.