

**CRIMINAL CONTEMPT  
FIRST DEGREE  
(E Felony)  
(Violation of Order of Protection;  
Repeated Telephone Calls<sup>1</sup>)  
PENAL LAW 215.51(b)(iv)  
(Committed on or after Sept. 1, 1996)**

The \_\_\_\_\_ count is Criminal Contempt in the First Degree.

Under our law, a person is guilty of Criminal Contempt in the First Degree when, in violation of a duly served order of protection, or such order of which the defendant has actual knowledge because he or she was present in court when such order was issued, he or she, with intent to harass, annoy, threaten or alarm a person for whose protection such order was issued, repeatedly makes telephone calls to such person, whether or not a conversation ensues, with no purpose of legitimate communication.

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 conscious objective or purpose.<sup>2</sup> Thus, a defendant acts with intent to harass, annoy, threaten or alarm a person for whose protection an order was issued when that defendant's conscious objective or purpose to do so.

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, each of the following four elements:

1. That on or about (date), the (specify) court issued

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<sup>1</sup>See Penal Law § 240.30(2)

<sup>2</sup>See Penal Law § 15.05(1).

an order of protection that was duly served, or such order of which the defendant had actual knowledge because he/she was present in court when such order was issued;

2. That the order was issued for the protection of (specify);
3. That on or about (date), in the County of (county), the defendant, (defendant's name), in violation of that order, harassed, annoyed, threatened or alarmed (specify), by repeatedly making telephone calls to (specify) whether or not a conversation ensued, with no purpose of legitimate communication; and
4. That the defendant did so intentionally.

Therefore, if you find that the People have proven beyond a reasonable doubt each of those elements, you must find the defendant guilty of the crime of Criminal Contempt 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 any one or more of those elements, you must find the defendant not guilty of Criminal Contempt in the First Degree as charged in the \_\_\_\_\_ count.