

**ROBBERY  
SECOND DEGREE  
(C felony)  
(Aided by Another)  
PENAL LAW 160.10(1)  
(Committed on or after Sept. 1, 1967)**

*[NOTE: Before instructing a jury on any specific robbery charge, read once the introductory Robbery charge found at the beginning of this chapter.]*

The \_\_\_ count is Robbery in the Second Degree.

Under our law, a person is guilty of Robbery in the Second Degree when that person forcibly steals property and when that person is aided by another person actually present.

A person is “actually present” when such person is in a position to render immediate assistance to a person participating in the robbery and is ready, willing and able to do so.<sup>1</sup>

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), the defendant, (defendant's name), forcibly stole property from (specify); and
2. That the defendant was aided in doing so by another person actually present.

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 Robbery in the Second Degree as charged in the \_\_\_ count.

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<sup>1</sup>See *People v Dennis*, 75 NY2d 821 (1989); *People v Hedgeman*, 70 NY2d 533, 543 (1987).

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 Robbery in the Second Degree as charged in the \_\_\_ count.