

SCHEME TO DEFRAUD IN THE SECOND DEGREE
(One or more persons)
Penal Law § 190.60
(Committed on or after November 1, 1996)

The (specify) countis Scheme to Defraud in the Second Degree

Under our law, a person is guilty of a scheme to defraud in the second degree when that person engages in a scheme constituting a systematic ongoing course of conduct with intent to defraud more than one person or to obtain property from more than one person by false or fraudulent pretenses, representations or promises, and so obtains property from one or more of such persons.

It is necessary to prove the identity of at least one person from whom the defendant so obtained property, but it is not necessary to prove the identity of any other intended victim.¹

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

INTENT means conscious objective or purpose. Thus, a person acts with intent to defraud more than one person or to obtain property from more than one person by false or fraudulent pretenses, representations or promises, when that person's conscious objective or purpose is to do so.²

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, each of the following three elements:

1. That on or about (date), in the county of (county), the defendant, (defendant's name), engaged in a

¹ Penal Law § 190.60(2).

²See Penal Law § 15.05(1).

scheme constituting a systematic ongoing course of conduct;

2. That the defendant did so with intent to defraud more than one person or to obtain property from more than one person by false or fraudulent pretenses, representations or promises; and
3. That the defendant so obtained property from one or more of such persons, at least one of whom has been identified.

If you find the People have proven beyond a reasonable doubt each of those elements, you must find the defendant guilty of this crime.

If you find the People have not proven beyond a reasonable doubt any one or more of those elements, you must find the defendant not guilty of this crime.