

New York Statutes

Where to Find New York Statutes	
In Books	
McKinney's Consolidated Laws of New York Annotated	found in a law library (including ours)
Consolidated Law Service	found in a law library (though not ours)
On line	
The NYS Legislature	http://public.leginfo.state.ny.us/menugetf.cgi?COMMONQUERY=LAWS
The NYS Judiciary	http://www.courts.state.ny.us/lawlibraries/nycodesstatutes.shtml
Findlaw	http://www.findlaw.com/casecode/new-york.html
OneCLE	http://law.onecle.com/new-york/
Westlaw	McKinney's Consolidated Laws of New York Annotated
LexisNexis	Consolidated Law Service

McKinney's Consolidated Laws of New York Annotated (Books in a Law Library)

319 Volumes

- broken into Titles (e.g., Criminal Procedure Law)
- Each Title is a Chapter (e.g., Criminal Procedure Law is Chapter 11-A)

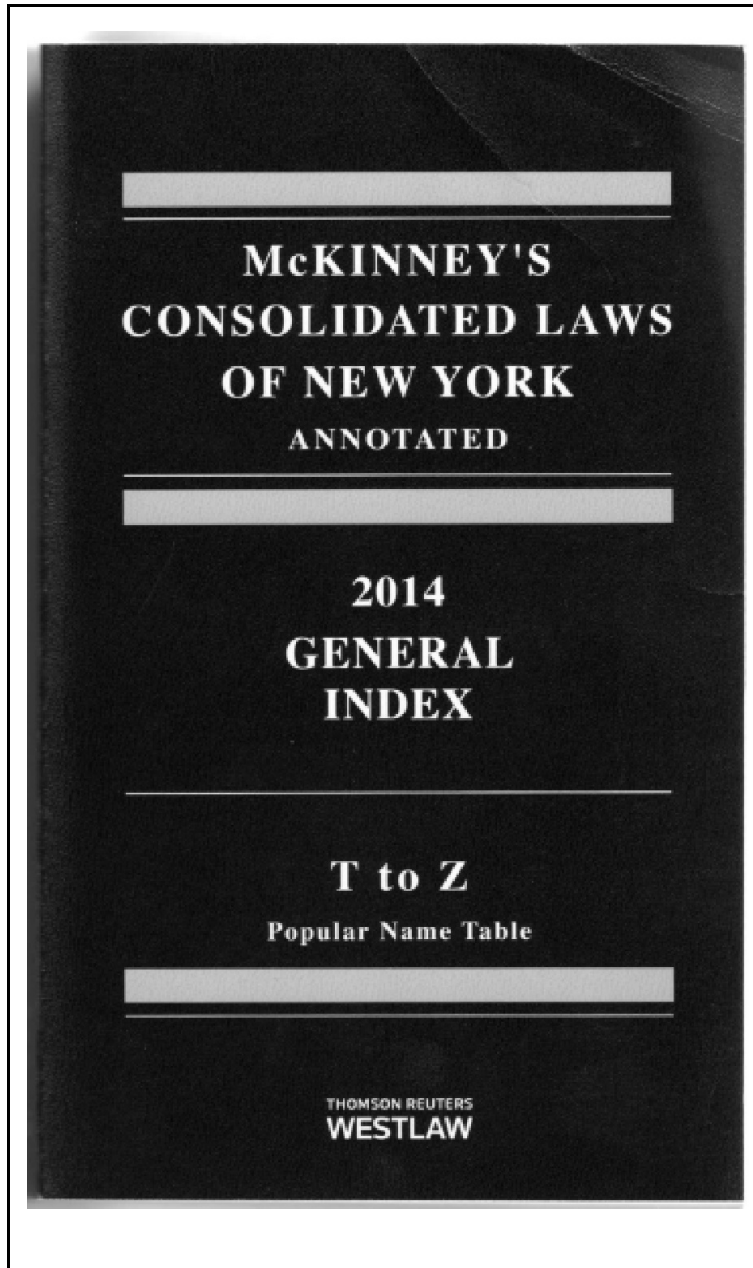
McKinney's Collection					
Volumes	Book	Title of Statute	Volumes	Book	Title of Statute
1	1	Statutes (a volume on using statutes)	2-8	2	Constitution (not a statute)
9	2 ½	Abandoned Property Law	10-12	2B	Agriculture and Markets Law
13-14	3	Alcoholic Beverage Control Law	14	3A	Alternative County Government Law
15	3B	Arts and Cultural Affairs Law	16-19	4	Banking Law
19	5	Benevolent Orders Law	20-23	6	Business Corporation Law

Volumes	Book	Title of Statute	Volumes	Book	Title of Statute
24	7	Canal Law	25-53	7B	Civil Practice Laws and Rules
54	8	Civil Rights Law	55-58	9	Civil Service Law
58	10A	Cooperative Corporation Law	59-60	10B	Correction Law
61-62	11	County Law	63-82	11A	Criminal Procedure Law
83	12	Debtor and Creditor Law	84-90	14	Domestic Relations Law
91	15	Economic Development Law	92-102	16	Education Law
103	16A	Eminent Domain Procedure Law	104	16B	Elder Law
104-106	17	Election Law	107	17½	Energy Law
108-115	17½	Environmental Conservation Law	116	17A	Employers Liability Law
117-122	17B	Estate Powers and Trusts Law	123-128	18	Executive Law
129	18 ½	Financial Services Law	129	18A	General Associations Law
130-136	19	General Business Law	137-138	20	General City Law
138	21	General Construction Law	139-144	23	General Municipal Law
145-147	23A	General Obligations Law	148-149	24	Highway Law
149	25	Indian Law	150-158	27	Insurance Law
159-164	29	Judiciary Law (Including Rules of Professional Conduct and Code of Judicial Conduct)	165-173	29A (Pt 1)	Judiciary Law— Court Acts: Family Court
174	29A (Pt 2)	Judiciary Law — Court Acts: Court of Claims	175	29A (Pt 3)	Judiciary Law — Court Acts: NYC Civil and Criminal Court Acts
176-181	30	Labor Law	182	31	Legislative Law
183-184	32	Lien Law	184	32A	Limited Liability Company Law
185	33	Local Finance Law	186-188	34A	Mental Hygiene Law
189	35	Military Law	190	35A	Multiple Dwelling Law
191	35B	Multiple Residence	192	35C	Municipal Home Rule — Statute of Local Gov'ts
193	36	Navigation Law	194-195	37	Not-For-Profit Corporation Law
196	37B	Parks, Recreation and Historic Preservation Law	197	38	Partnership Law
198-210	39	Penal Law (including Sentencing Charts)	211	40	Personal Property Law
212-213	41	Private Housing Finance Law	214-225	42	Public Authorities Law
226	43	Public Buildings Law	227-234	44	Public Health Law
235	44A	Public Housing Law	236	45	Public Lands Law

Volumes	Book	Title of Statute	Volumes	Book	Title of Statute
237	46	Public Officers Law	238-239	47	Public Service Law
240	47A	Racing, Pari-Mutuel Wagering and Breeding Law	241	48	Railroad Law
242	48A	Rapid Transit Law	243-245	49	Real Property Law
246-249	49½	Real Property Actions and Proceedings Law	250-254	49A	Real Property Tax Law
255	50	Religious Corporations Law	256-259	50-½	Retirement and Social Security Law
260	50A	Rural Electric Cooperative Law	261	52	Second Class Cities Law
262-267	52A	Social Services Law	268	52B	Soil & Water Conservation Districts Law
269-270	55	State Finance Law	271	56	State Law
271	56A	State Administrative Procedure Act Law	271	57	State Printing and Public Documents Law
271	57A	State Technology Law	272-276	58A	Surrogates Court Procedure Act
277-286	59	Tax Law	287-290	61	Town Law
291	61A	Transportation Law	292	62	Transportation Corporations Law
293-297	62½	Uniform Commercial Code	298-304	62A	Vehicle and Traffic Law
305-306	63	Village Law	307	63A	Volunteer Ambulance Workers' Benefit Law
308	63B	Volunteer Firefighters' Benefit Law	309-313	64	Workers' Compensation Law
314-319	65	Unconsolidated Laws			

Q: How do I find something if I don't know the statute title?

A: There is a General Index and Popular Name Table



Every year there is a new index

There are 5 Volumes than are the index:

A to C; D to H; I to O; P to S; and T to Z. The T to Z volume also has the Popular Name Table.

If you want to find assault statutes, you would look in A to C. If you want to find the "Lemon Law" you would look in Popular Name Table (in T to Z)

This is a page from the General Index

<p>TRAFFIC</p> <p>TRAFFIC RULES AND REGULATIONS —Cont'd</p> <p>Driving under influence of alcohol or drugs—Cont'd</p> <p>Notice in verified report, false statements, V&T 1194</p> <p>Out of state conviction, prior convictions, V&T 1193</p> <p>Persons under age attempting to illegally purchase alcohol, drivers license suspended, ABC 65-b</p> <p>Persons under age twenty-one, V&T 1192-a, 1194-a</p> <p>Physician or registered nurse withdrawing blood for purpose of determining alcoholic content, V&T 1194</p> <p>Pilots, suspension or revocation of license, NAV 94</p> <p>Possession of alcohol, V&T 1227</p> <p>Prearranged for hire vehicles, chemical tests, V&T 498</p> <p>Present in vehicle, presumption of criminal possession, exceptions, PEN 236.25</p> <p>Presumptions, serious physical injuries, cases, V&T 120.03, 120.04</p> <p>Vehicular manslaughter, PEN 125.12, 125.13</p> <p>Private property exemption, V&T 1192</p> <p>Probation, alcohol and drug rehabilitation program, conditions, V&T 1198-a</p> <p>Public officers engaged in work on highway, applicability of provisions, V&T 1193</p> <p>Quantitative tests, body of operator or pedestrian of certain age, CNTY 674</p> <p>Reasonable grounds, definitions, chemical tests, V&T 1194</p> <p>Reciprocal driver license agreements, reports, V&T 516-b</p> <p>Refusal to submit, chemical tests, reports, V&T 1194</p> <p>Reports, V&T 1194</p> <p>Chemical tests, procedure, V&T 1194-a</p> <p>Notice in verified report, false statements punishable as misdemeanor, V&T 1194</p> <p>Reciprocal driver license agreements, V&T 516-b</p> <p>Refusal to submit to chemical tests, V&T 216-a</p> <p>Screening, V&T 1198-a</p> <p>Second and subsequent offenses, V&T 1193</p> <p>Foreign states, V&T 1192</p>	<p style="text-align: right;">242 24</p> <p>TRAFFIC RULES AND REGULATIONS —Cont'd</p> <p>Driving under influence of alcohol or drugs—Cont'd</p> <p>Second and subsequent offenses—Cont'd</p> <p>Presumptions, Vehicular assault, PEN 120.04</p> <p>Vehicular manslaughter, PEN 125.13</p> <p>Sentencing, suspension or revocation of registration, V&T 1193</p> <p>Serious physical injury or death, V&T 1192</p> <p>Snowmobiles, PRRHP 25.03, 25.24</p> <p>Special traffic options program, V&T 1197</p> <p>State action against physician or registered nurse negligent in drawing blood to determine impairment, V&T 1194</p> <p>Statistics, collection and analysis, V&T 216-a</p> <p>Suppression, chemical tests, V&T 1195</p> <p>Surcharges, V&T 1809-c</p> <p>Taxicabs, aggravated offenses, V&T 1193</p> <p>Termination of criminal action, cost/claim for noncriminal offense, CPL 160.55</p> <p>Victims impact program, attendance, V&T 1193</p> <p>Waiver of hearing on revocation of license, V&T 1194</p> <p>Drugs and medicine, Alcohol and drug rehabilitation program, generally, ante</p> <p>Education, handicapped parking education program, V&T 1203-g</p> <p>Effective date, V&T 2015</p> <p>Electric personal assistive mobility devices, V&T 130-a, 1270 et seq.</p> <p>Electronic devices, operation while driving, drivers license, revocation or suspension, V&T 510-a</p> <p>Elevated structures, Overhead clearance, V&T 1640, 1650, 1660</p> <p>Rail rapid transit systems operated by NYC transit authority, noise, PUB A 1204-a</p> <p>Speed, Cities and villages, determination by legislative bodies, V&T 1644</p> <p>Cities of 1,000,000 or more, establishments, V&T 1642</p> <p>County roads, determination by county superintendent of highways, V&T 1652</p> <p>Public authorities and commissions, establishment, V&T 1630</p>
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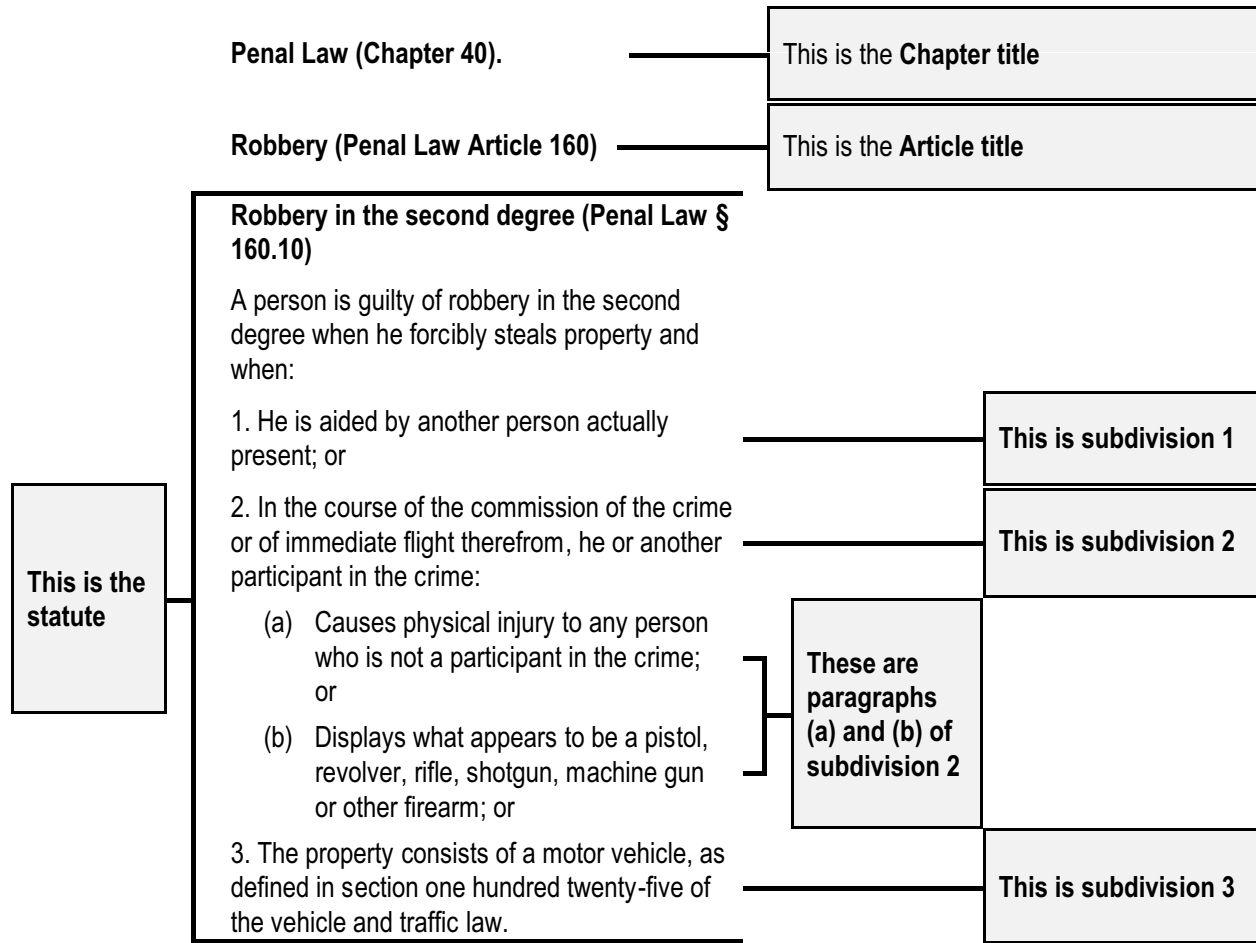
<p style="text-align: center;">POPULAR NAME AND SHORT TITLE TABLE</p> <p style="text-align: center;"><i>This table contains a selective alphabetical listing of those New York laws published in McKinney's, which are commonly referred to by a popular name or descriptive term, or by a statutory short title.</i></p> <p>Abandoned Infant Protection Act, PEN 260.00, 260.10; SOC S 372-g</p> <p>Abandoned Property Law, AB PROP 101 et seq.</p> <p>Abandonment Act (Children), PEN 260.00</p> <p>Abortion Reform Act, PEN 125.00 et seq.</p> <p>Accelerated Capacity and Transportation Improvements of the Nineties Bond Act, TRAN 450 et seq.</p> <p>Access for the Disabled, PUB B 50 et seq.</p> <p>Access to Justice in Lending Act, mortgages, RPL 282</p> <p>Accident Indemnification Corporation Law (Uninsured Motorists), INS 5201 et seq.</p> <p>Accomplish Act, CPL 60.22</p> <p>Accounting, Financial Reporting and Budget Accountability Reform Act of 1981, EDUC 355, 2575, 6202, 6221, 6230, 6231; LAB 530; PUB L 2; ST FIN 2 et seq., 22 et seq., 40-a, 49 et seq., 57, 70 et seq., 92, 93, 122-a, 200 et seq.</p> <p>Acid Rain (State Acid Deposition Control Act), ECL 19-0901 et seq.; TAX 208, 612</p> <p>Adams Law, V&T 375, 383</p> <p>Additional employer specific skills training grant program, EDUC 3032</p> <p>Adirondack Park Agency Act, EXEC 800 et seq.</p> <p>Admission Testing Act of 1979, EDUC 340 et seq.</p> <p>Adolescent Tobacco Use Prevention Act, PUB HE 1399-an et seq.</p> <p>Adoption proceedings, DRL 109 et seq.</p> <p>Adult Contributory Law (Delinquents), PEN 260.10</p> <p>Adult Offender Supervision Compact, EXEC 259-mm</p> <p>Adult protective services, SOC S 473-a, 473-b</p> <p>Adulteration Act (Food), AG&M 198 et seq.</p> <p>Adverse Claim Laws (Bank Deposits), BANK 134, 171, 239</p> <p>After Born Child Act (Sharing of Testators Estate), EPTL 5-3.2</p> <p>Age Discrimination Act, EXEC 296 et seq.</p> <p>Agent Orange (damages for injury caused by limitations), CPLR 214-b</p> <p>Agreement on Detainers Act, CPL 580.20</p> <p>Agricultural Districts Act, AG&M 300 et seq.</p> <p>Agriculture and Markets Law, AG&M 1 et seq.</p> <p>Aikans Law, adrenoleukodystrophy, tests, PUB HE 2500-a</p> <p>Air Pollution Control Act, ECL 19-0101 et seq.</p> <p>Airbag Safety and Antitheft Act, INS 3411, 3412; V&T 119-b, 301, 398-d, 415-a, 415-c, 603, 605</p> <p>Airport Commission Compact, UNCON 9961 et seq.</p> <p>Albany Convention Center Authority Act, PUB A 2675-a et seq.</p> <p>Albany County Airport Authority Act, PUB A 2776 et seq.</p> <p>Albany Light, Heat and Power Authority Act, PUB A 1025 et seq.</p> <p>Albany municipal water finance authority, PUB A 1115 et seq.</p> <p>Albany Parking Authority Act, PUB A 1493-a et seq.</p> <p>Albany Water Board Act, PUB A 1116, 1118</p> <p>Alcohol Purchase Age Law, ABC 65, 65-a, 65-b; GEN O 11-100; PEN 260.20</p> <p>Alcoholic Beverage Control Law, ABC 1 et seq.</p>

Breaking Volumes Down

Titles are divided several ways.

For the most part, titles are broken into Article

	... is divided into...	What it is
	Titles	Collection of all of the statutes under that title
Titles	Articles	Collection of similar statutes
Articles	Sections	These are the individual statutes
Sections	Subdivisions	This is the first division of a statute
Subdivisions	Paragraphs	This is the second level division of a statute



How to read this statute

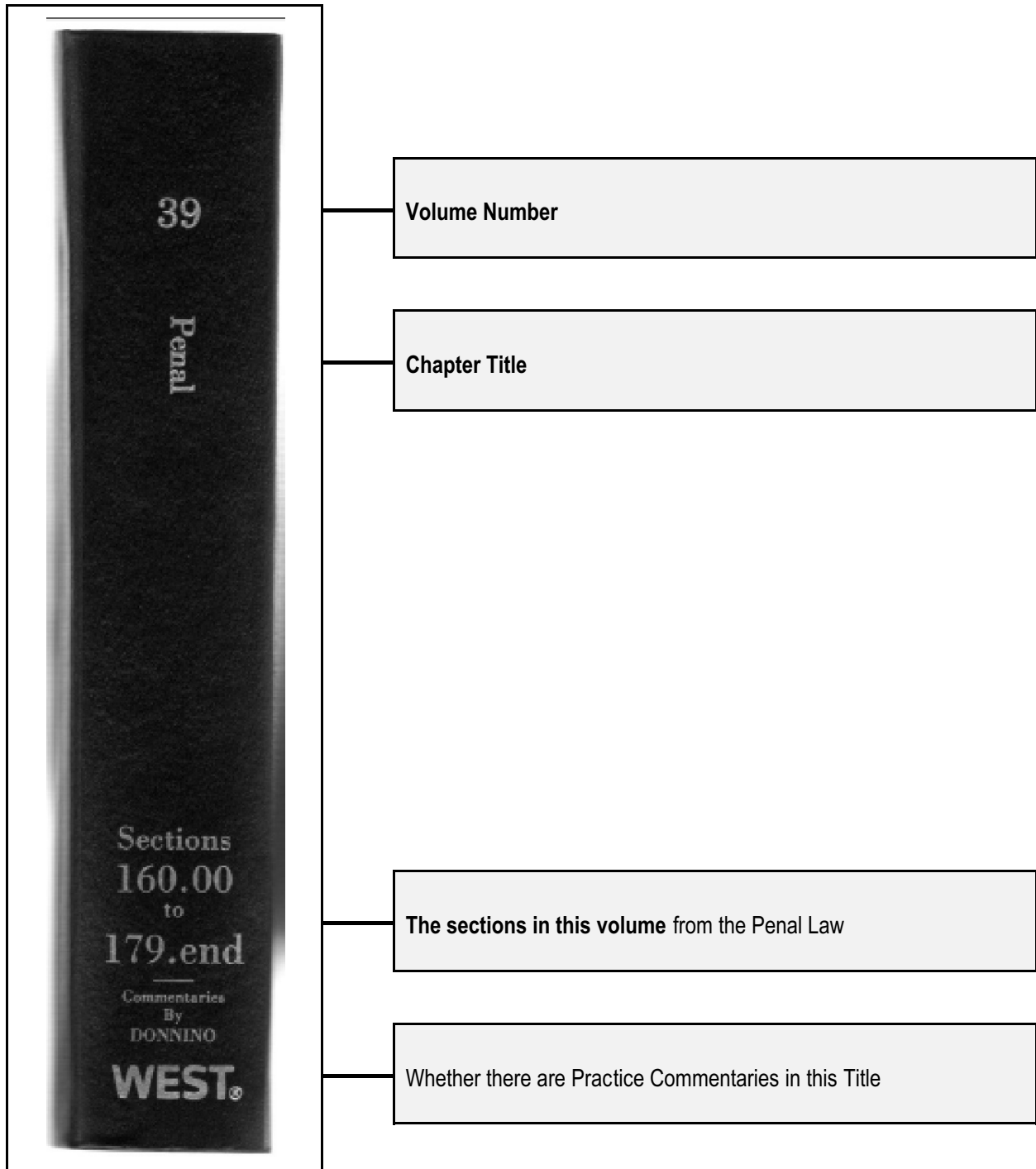
This statute contains four different types of robbery in the second degree:

- **Penal Law § 160.10 (1):** A person is guilty of robbery in the second degree when he forcibly steals property and when he or she is aided by another person actually present.
- **Penal Law § 160.10 (2) (a):** A person is guilty of robbery in the second degree when he forcibly steals property and when he or she in the course of the commission of the crime or of immediate flight therefrom, he or another participant in the crime causes physical injury to any person who is not a participant in the crime.
- **Penal Law § 160.10 (2) (b):** A person is guilty of robbery in the second degree when he forcibly steals property and when he or she in the course of the commission of the crime or of immediate flight therefrom, he or another participant in the crime displays what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm.
- **Penal Law § 160.10 (3):** A person is guilty of robbery in the second degree when he forcibly steals property and when he or she The property consists of a motor vehicle, as defined in Vehicle and Traffic Law § 125.

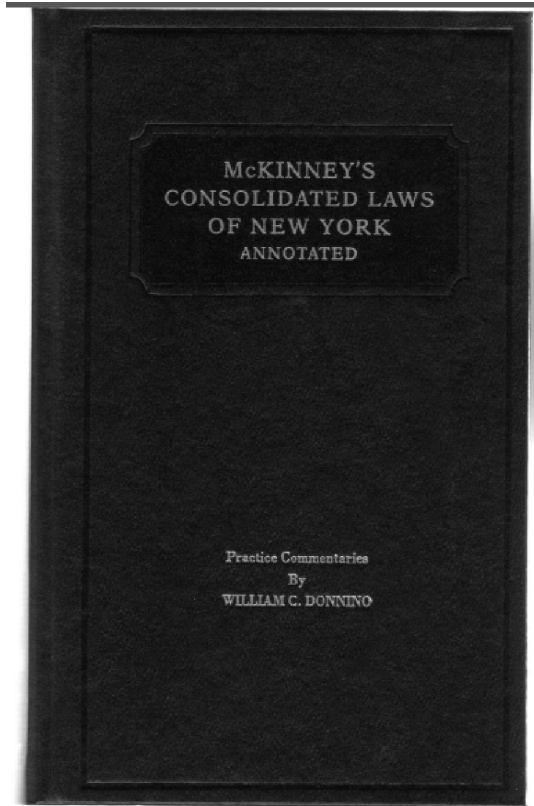
Robbery Article	
Section	Section Title
§ 160.00	Robbery; defined
§ 160.05	Robbery in the third degree
§ 160.10	Robbery in the second degree
§ 160.15	Robbery in the first degree

Quick Tour of McKinney's in the Book

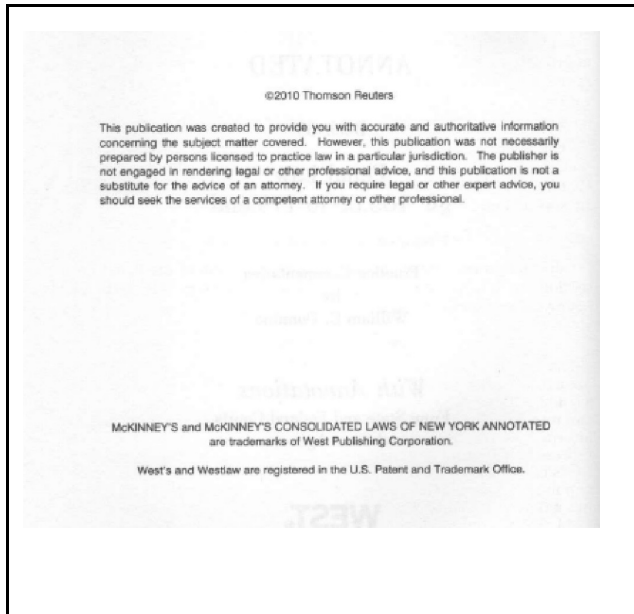
This is the Spine (what you see when the books are on the shelf):



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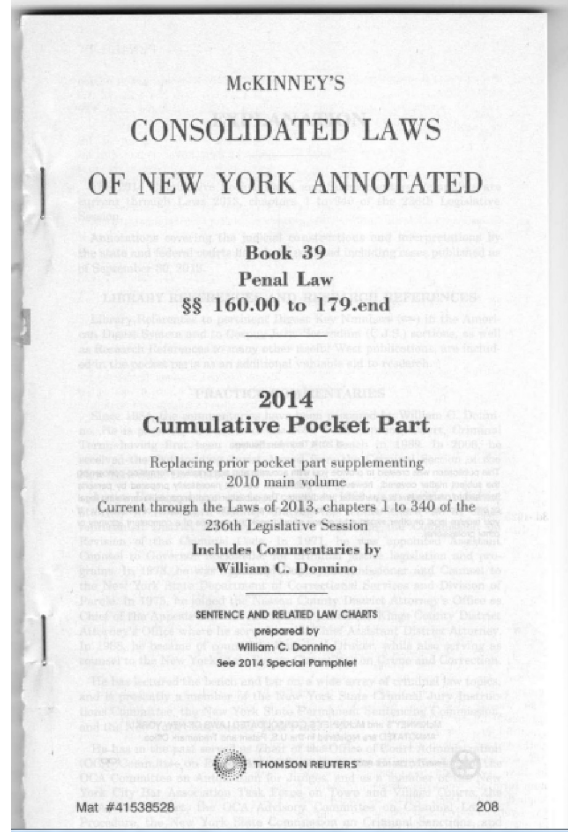


This is the copyright page (it tells you the year the main volume came out [in this case 2010] and if it is not the present year [this one is not], you will have to also use the pocket part):



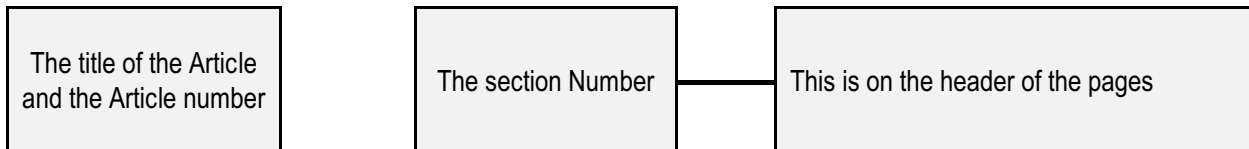
This is the copyright (2010)

Here is the cover of the pocket part (it is usually in the pocket in the back of the main volume):

	<p>Always make sure that the sections in the pocket part match the sections in the main volume</p>
<p>This pocket part covers all the statutes that were amended and all the cases from 2010 to 2014</p>	

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McKinney's Consolidated Laws of New York Annotated	
Penal Law (Chapter 40)	This is the Chapter Title
Robbery (Penal Law Article 160)	This is the Article
Robbery in the second degree (Penal Law § 160.10)	This is the Section



ROBBERY § 160.10

Art. 160

§ 160.10 Robbery in the second degree

A person is guilty of robbery in the second degree when he forcibly steals property and when:

1. He is aided by another person actually present; or
2. In the course of the commission of the crime or of immediate flight therefrom, he or another participant in the crime:
 - (a) Causes physical injury to any person who is not a participant in the crime; or
 - (b) Displays what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm; or
3. The property consists of a motor vehicle, as defined in section one hundred twenty-five of the vehicle and traffic law.

Robbery in the second degree is a class C felony.

(L.1965, c. 1030. Amended L.1969, c. 1012, § 3; L.1973, c. 374, § 3; L.1995, c. 308, § 1.)

Historical and Statutory Notes

L.1995, c. 308 legislation c. 504, was from Penal Code 1881, § 228.
 Subd. 3, L.1995, c. 308, § 1, eff. Nov. Section 2127 was from Penal Code 1881, § 232, amended L.1892, c. 662, § 9.
 1, 1995, added subd. 3.

Derivation
 Penal Law 1909, § 2124, and see § 2127. Section 2124 amended L.1923.

Practice Commentary
by William C. Donnino

See Practice Commentary at the end of Penal Law § 160.00.

Cross References

Definitions
 Firearms, see Penal Law § 265.00.
 Physical injury, see Penal Law § 10.00.
 Property, see Penal Law § 155.00.
 Parties to offenses and liability through accessorial conduct, see Penal Law § 20.00 et seq.

Library References

Robbery ©11.
 Westlaw Topic No. 342.
 C.J.S. Robbery §§ 6, 14 to 16, 32 to 38, 107, 112, 126, 132 to 133.

41

This is the statute word-for-word (this is the primary law)

The first set of numbers (L.1995 c. 1030) tells you when the law was **created** (1995: Laws of 1995, chapter 1030). The second and subsequent sets of numbers tell you when it was **amended**

This is either where the **Practice Commentaries** are or tells you where they are (sometimes, as here, they are at the beginning of the article)

ROBBERY

§ 160.10

Art. 160

- Jury Charges in NY Criminal Cases § 69:6, Threatening to Use Dangerous Instrument—Defense.
- Jury Charges in NY Criminal Cases § 69:8, Second Degree.
- Jury Charges in NY Criminal Cases § 69:9, Second Degree—Aided by Another Person—Model Charge.
- Jury Charges in NY Criminal Cases § 69:10, Second Degree—Commentary.
- Jury Charges in NY Criminal Cases § 69:12, Second Degree—Causing Physical Injury—Commentary—Another Charge (Attempt).
- Jury Charges in NY Criminal Cases § 69:13, Second Degree—Displaying Firearm—Model Charge.
- Jury Charges in NY Criminal Cases § 69:14, Carjacking—Commentary.
- Jury Charges in NY Criminal Cases § 69:13.50, Carjacking—Model Charge.
- Jury Charges in NY Criminal Cases § 69:13.55, Carjacking—Commentary.
- New York Practice, New York Criminal Law § 1:15, Accessorial Liability—Liability for Different Degrees of Offense.
- New York Practice, New York Criminal Law § 14:5, Robbery While Aided by Another Actually Present.
- New York Practice, New York Criminal Law § 14:6, Carjacking.
- New York Practice, New York Criminal Law § 14:7, Injury Caused During Robbery.
- New York Practice, New York Criminal Law § 14:8, Armed Robbery.
- New York Practice, New York Criminal Law § 3:24, Criminal Attack on Operators of For-Hire Vehicles.
- New York Practice, New York Criminal Law § 3:26, Sentences Authorized for Particular Offenses—Criminal Attack on Operators of For-Hire Vehicles.
- New York Practice, New York Criminal Law § 33:3, Firearms and Other Dangerous Weapons—Firearms and Related Weapons.
- New York Practice, New York Criminal Law § 14:11, Displaying What Appears to be Firearm.
- New York Practice, New York Criminal Law § 14:12, The Affirmative Defense that Object "Displayed" During Robbery was Not Loaded and Operable Firearm.
- New York Practice, New York Criminal Law § 14:13, Accomplice Liability.
- New York Practice, New York Family Court Practice § 11:38, The Fact-Finding Hearing—Admissions.
- New York Practice, New York Pretrial Criminal Procedure § 5:17, Indictment—Duplicious Counts.
- New York Practice, New York Pretrial Criminal Procedure § 5:22, Indictment—Joinder of Defendants.
- 3 Substantive Criminal Law § 20.3, Robbery.

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1. Purpose

Legislature's use of the phrase "appears to be a firearm" demonstrated a concern for the robbery victim's own perceptions and mandates a subjective standard. *People v. Jenkins*, 1983, 118 Misc.2d 530, 461 N.Y.S.2d 699. Robbery ☞ 11

2. Discretion of court

Trial court did not abuse its discretion in denying defense counsel's request to be relieved after defendant threatened him as he was being removed from courtroom for acting out during trial, in prosecution for rape in the first degree and robbery in the second degree, given that trial had already begun and defendant's threat seemed unlikely to be carried out. *Felder v. Goord*, 2008, 2008 WL 2588063. Criminal Law ☞ 1832

Trial court acted within discretion in discharging sworn juror from robbery prosecution, based on medical emergency involving juror's spouse; court made requisite thorough inquiry in determining that juror was unavailable for continued service and properly placed on record its reasons for discharging juror after permitting prosecutor and defense counsel to be heard on matter. *People v. Bartley* (4 Dept. 2009) 66 A.D.3d 1432, 885 N.Y.S.2d 820. Jury ☞ 149

3. Elements of offense, generally

Evidence was legally insufficient to support conviction for robbery in second degree; complainant's testimony that defendant grabbed her pocketbook and removed order of protection therefrom was insufficient to show that defendant in-

This is a sentence on the holding of the decision as it relates to the topic (Purpose). At the end it gives you the name of the case and the cite. Robbery [key] 11 is where you would find more cases on the purpose in New York Digests

Here is a topic on cases that deal with elements of the statute

This is Penal Law § 160.10 in the Pocket Part

§ 160.10 Robbery in the second degree

Research References

ALR Library

- 62 ALR, Federal 2nd Series 255, What Constitutes "Aggravated Felony" for Which Alien Can be Deported or Removed Under S237(A)(2)(A)(iii) of Immigration and Nationality Act (8 U.S.C.A. S1227(A)(2)(A)(iii)—Theft or Burglary Offenses Under 8 U.S.C.A....
- 27 ALR, Federal 110, Imposition of Enhanced Sentence Under Recidivist Statute as Cruel and Unusual Punishment.
- 5 ALR 4th 243, Sufficiency of Bodily Injury to Support Charge of Aggravated Assault.
- 72 ALR 5th 403, Requirement that Court Advise Accused of, and Make Inquiry With Respect to, Waiver of Right to Testify.
- 18 ALR 3rd 259, Inconsistency of Criminal Verdict as Between Different Counts of Indictment or Information.
- 22 ALR 3rd 717, Inconsistency of Criminal Verdicts as Between Two or More Defendants Tried Together.
- 39 ALR 3rd 1000, Admissibility of Evidence of Photographic Identification as Affected by Allegedly Suggestive Identification Procedures.
- 66 ALR 3rd 902, Comment Note.— Right to Withdraw Guilty Plea in State Criminal Proceeding Where Court Refuses to Grant Concession Contemplated by Plea Bargain.
- 79 ALR 3rd 14, Use of Peremptory Challenge to Exclude from Jury Persons Belonging to a Class or Race.
- 81 ALR 3rd 1006, Robbery by Means of Toy or Simulated Gun or Pistol.
- 89 ALR 3rd 864, Validity and Effect of Criminal Defendant's Express Waiver of Right to Appeal as Part of Negotiated Plea Agreement.
- 92 ALR 3rd 1164, Admissibility, as Against Interest, in Criminal Case of Declaration of Commission of Criminal Act.
- 93 ALR 3rd 648, Use of Force or Intimidation in Retaining Property or in Attempting to Escape, Rather Than in Taking Property, as Element of Robbery.
- 40 ALR 2nd 908, Coercion, Compulsion, or Duress as Defense to Criminal Prosecution.
- 97 ALR 2nd 549, Court's Duty to Advise or Admonish Accused as to Consequences of Plea of Guilty, or to Determine that He is Advised Thereof.
- 58 ALR 2nd 808, Effect of Failure or Refusal of Court, in Robbery Prosecution, to Instruct on Assault and Battery.
- 5 ALR 263, Entry and Search of Premises for Purpose of Arresting One Without Search Warrant.
- 55 ALR 714, What Constitutes Attempt to Commit Robbery.
- 56 ALR 174, Duty of Attorney to Call Witness or to Procure or Aid in Procuring His Attendance.
- 64 ALR 436, Incompetency, Negligence, Illness, or the Like, of Counsel, as a Ground for New Trial or Reversal in Criminal Case.
- 85 ALR 1009, What Constitutes Delinquency or Incurability Justifying Commitment of Infant.

Since Penal Law § 160.10 in the pocket part starts with Research References, this tells you that the statute **has not been amended**.

However, there are still **Notes of Decisions** in the pocket part.

McKinney's Consolidated Laws of New York Annotated (In Westlaw)

The screenshot shows the Westlaw Classic interface. At the top, there is a search bar with the text 'Westlaw Classic' and 'FIND & PRINT COURT'. Below the search bar, there are several tabs: 'New York', 'BRIAN', 'Westlaw', 'Law Review', 'Paralegal', and 'Legal'. A 'Content and Display Options' dropdown menu is visible. A promotional banner for 'NEED A ZINGER FOR COURT?' is present, featuring a book cover for 'UNCLE ANTHONY'S UNABRIDGED ANALOGIES' and a 'Go Now' button. Below the banner, there is a 'Recent Developments' section with links for 'New York Updates' and 'Siegel's Practice Review'. The 'Find by citation' section is active, showing a search box with the text 'ny penal law 160.10' and a 'Go' button. There is also a checkbox for 'and Print' and a link for 'Find using a template'.

In Find by citation you enter: NY Penal Law 160.10

The screenshot shows the search results page for McKinney's Penal Law § 160.10. The page title is 'McKinney's Penal Law § 160.10'. The breadcrumb trail is: 'McKinney's Consolidated Laws of New York Annotated > Currentness > Penal Law (Refs & Annos) > Chapter 40. Of the Consolidated Laws (Refs & Annos) > Part Three. Specific Offenses > Title J. Offenses Involving Theft > Article 160. Robbery (Refs & Annos) > § 160.10 Robbery in the second degree'. The main text of the law is: 'A person is guilty of robbery in the second degree when he forcibly steals property and when: 1. He is aided by another person actually present; or 2. In the course of the commission of the crime or of immediate flight therefrom, he or another participant in the crime: (a) Causes physical injury to any person who is not a participant in the crime; or (b) Displays what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm; or 3. The property consists of a motor vehicle, as defined in section one hundred twenty-five of the vehicle and traffic law. Robbery in the second degree is a class C felony.' There are navigation arrows at the top right of the page indicating 4 screens.

This is what Penal Law § 160.10 looks like on Westlaw.

SUPPLEMENTARY PRACTICE COMMENTARY

by William C. Donnino

Degrees of Robbery

Aggravating factor

Threatens or uses a dangerous instrument

As explained in the main commentary, the statutory element of robbery in the first degree that the offender "[u]ses or threatens the immediate use of a dangerous instrument" [[Penal Law § 160.15\(3\)](#)] requires proof that the offender in fact possessed the dangerous instrument. An offender's statement during the course of the crime "that he is in possession of a dangerous instrument, standing alone, does not supply sufficient proof to establish actual possession of a dangerous instrument..." *People v. Grant*, 17 N.Y.3d 613, 619, 935 N.Y.S.2d 542, 959 N.E.2d 479 (2011) (a bank robber's written note passed to a bank teller stating that he had a gun, that he wanted money, and that he would shoot if the teller said anything, was insufficient proof that the robber had a gun).

By definition, a "dangerous instrument" must, "under the circumstances in which it is used, attempted to be used or threatened to be used, [be] readily capable of causing death or other serious physical injury" [[Penal Law § 10.00\(13\)](#)]. Accordingly, in the absence of the

In Westlaw there are no Pocket Parts.

In Westlaw the **Supplemental Practice Commentary** comes first.

This Supplemental Practice Commentary would be in the Pocket Part.

PRACTICE COMMENTARY

by William C. Donnino

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Here is The Practice Commentary.

It starts with the Table of Contents

Degrees of Robbery

Degree structure

There are three degrees of robbery. In accord with the general structure of offenses divided by degrees, the lowest degree constitutes the basic offense, and the higher degrees are a combination of that basic offense and one or more aggravating factors.

The basic offense, "robbery in the third degree," occurs when a person "forcibly steals property" [[Penal Law § 160.05](#)]. As the basic offense, the third-degree crime encompasses any robbery. In application, however, it is normally charged only when a higher degree of robbery may be inapplicable; *i.e.*, a forcible stealing of property (other than a motor vehicle), committed by one person who is not armed with a deadly weapon, who does not display what appears to be a firearm or use or threaten the immediate use of a dangerous instrument, and who does not cause physical injury.

The addition of an "aggravating factor" elevates the third-degree crime to "robbery in the second degree" [[Penal Law § 160.10](#)] or to "robbery in the first degree" [[Penal Law § 160.15](#)].

Here is later in the Practice Commentary.

Anything that is blue is hyperlinked

NOTES OF DECISIONS

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Here is the Notes of Decisions

1. Purpose

Legislature's use of the phrase "appears to be a firearm" demonstrated a concern for the robbery victim's own perceptions and mandates a subjective standard. [People v. Jenkins, 1983, 118 Misc.2d 530, 461 N.Y.S.2d 699. Robbery ⇐ 11](#)

2. Discretion of court

Trial court did not abuse its discretion in denying defense counsel's request to be relieved after defendant threatened him as he was being removed from courtroom for acting out during trial, in prosecution for rape in the first degree and robbery in the second degree, given that trial had already begun and defendant's threat seemed unlikely to be carried out. [Felder v. Goord, 2008, 564 F.Supp.2d 201. Criminal Law ⇐ 1832](#)

Trial court properly exercised its discretion in defendant's trial for burglary and robbery by allowing a witness to testify concerning threats made to him by third parties before and during trial relative to his testimony; there was sufficient circumstantial evidence to connect those threats to defendant, and the court instructed the jury that it needed to determine first whether the threats had, in fact, occurred, and, if so, then whether the threats demonstrated consciousness of guilt on defendant's part. [People v. Jones, 2013, 21 N.Y.3d 449, 971 N.Y.S.2d 740, 994 N.E.2d 831. Criminal Law ⇐ 351\(8\)](#)

Here is the topic 1 of the Notes of Decisions

3. Elements of offense, generally

Evidence was legally insufficient to support conviction for robbery in second degree; complainant's testimony that defendant grabbed her pocketbook and removed order of protection therefrom was insufficient to show that defendant intended to "deprive" complainant of her property, and People failed to establish that complainant suffered from "physical injury." [People v. Jackson \(2 Dept. 1990\) 163 A.D.2d 489, 558 N.Y.S.2d 590, appeal denied 76 N.Y.2d 1022, 565 N.Y.S.2d 772, 566 N.E.2d 1177. Robbery ⇐ 24.15\(1\); Robbery ⇐ 24.35](#)

Basic elements of crime of robbery in second degree are that defendant stole property from an owner thereof by force with intent to deprive owner of the property permanently, and that in the course of such forcible stealing, he caused physical injury to a person who was not a participant in the crime. [People v. Almonte, 1980, 102 Misc.2d 950, 424 N.Y.S.2d 868. Robbery ⇐ 11](#)

4. Threat or use of force, generally

Defendant's use of force to overcome resistance to his retention of property he took from victim immediately after the taking satisfied forcible stealing element of crime of second degree robbery. [People v. Rumrill \(3 Dept. 2007\) 40 A.D.3d 1273, 836 N.Y.S.2d 333, leave to appeal denied 9 N.Y.3d 926, 844 N.Y.S.2d 181, 875 N.E.2d 900. Robbery ⇐ 24.50](#)

Here is the topic 3 of the Notes of Decisions