

NOTICE TO THE BAR

UPDATES TO MODEL CRIMINAL JURY CHARGES AND CRIMINAL SAMPLE VERDICT SHEETS

The Supreme Court Committee on Model Criminal Jury Charges has issued the following Model Criminal Jury Charges. All Model Criminal Jury Charges, including these new or revised charges, are available for downloading from the Judiciary's Internet website at <http://www.judiciary.state.nj.us/criminal/juryindx.pdf>. These updates to the model charges are also included on the Judiciary's "Automated Model Criminal Jury Charges System," at <http://www.judiciary.state.nj.us/criminal/amcjc/index.htm>.

The Committee has issued a new sample verdict sheet for the possession, distribution, dispensing, manufacturing, possession with intent to distribute, or dispense or manufacture of CDS (Bath Salts). Also issued is a revised sample verdict sheet for Murder (Own Conduct), Passion/Provocation and Aggravated/Reckless Manslaughter, that adds a question on the own conduct inquiry. These sample verdict sheets can be downloaded at http://www.judiciary.state.nj.us/criminal/sample_verdict_indx.pdf.

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| Non-2C Charge | Third Party Guilt Jury Charge (3/9/15)
This is a new charge. |
| 2C:7-2c(3) | Failure to Register as a Sex Offender (3/9/15)
This is a new charge. |
| 2C:11-3a(1), (2) | Murder, Passion/Provocation and Aggravated/Reckless Manslaughter (6/8/15) |
| 2C:11-4a, b(1), (2) | This charge was clarified to make clear that, with regard to disproving passion provocation manslaughter, the State need only disprove one of the four factors which make up the crime. In addition, the sample verdict sheet was revised to add a question on the own conduct inquiry. |
| 2C:11-3b(4) | Murder - Own Conduct - Life Without Possibility of Parole) (5/11/15)
This is a new charge. |
| 2C:24-4a(2) | Endangering the Welfare of a Child, Abuse or Neglect (second and third degree) (3/9/15)
These two charges were revised to include the statutory definitions in the body of the charge rather than in a footnote. |
| 2C:33-29 | Gang Criminality (6/8/15)
This is a new charge. |
| 2C:35-5 | Possession of a Controlled Dangerous Substance with Intent to Distribute; |
| 2C:35-7 | Possession with Intent to Distribute Controlled Dangerous Substances |
| | Near or on School Property Used for School Purposes; |
| 2C:35-11 | Possession of an Imitation Controlled Dangerous Substance with Intent to Distribute (6/8/15)
These three charges were revised in light of <u>State v. Gregory</u> , 220 N.J. 413 (2015), in which the Supreme Court advised that the defendant must clarify that the word "intent" refers to the defendant's "intent to distribute" the CDS or CDS analog and |

not merely his/her "intent to possess" it.

- 2C:35-5.3a Distribution of a Controlled Dangerous Substance (Bath Salts) (3/9/15)**
This is a new charge.
- 2C:35-5.3a Manufacturing of a Controlled Dangerous Substance (Bath Salts) (3/9/15)**
This is a new charge.
- 2C:35-5.3a Possession of a Controlled Dangerous Substance with Intent to Distribute (Bath Salts) (3/9/15)**
This is a new charge.
- 2C:35-5.3a and 2C:35-10.3a Supplemental Charge To Offenses Set Forth in N.J.S.A. 2C:35-5.3a and 2C:35-10.3a (Bath Salts) (3/9/15)**
This is a new charge.
- 2C:35-10.3a Unlawful Possession of a Controlled Dangerous Substance (Bath Salts) (3/9/15)**
This is a new charge.
- 2C:39-5e(1) Firearms in Educational Institution;**
2C:39-5e(2) Certain Weapons in Educational Institution;
2C:39-5e(3) Imitation Firearm in Educational Institution/School Bus (3/9/15)
 These three charges were revised in accordance with State v. Grate, 220 N.J. 317 (2015), in which the Court held that the State was required to prove the defendant knowingly possessed the weapon while knowingly at an educational facility.

Questions regarding these new and revised model criminal jury charges and the criminal sample verdict sheets may be directed to Maria Pogue, Esq., Criminal Practice Division, Administrative Office of the Courts, Hughes Justice Complex, P.O. Box 982, Trenton, New Jersey 08625; telephone 609-633-2119.



 Glenn A. Grant, J.A.D.
 Acting Administrative Director of the Court

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