

DOG FIGHTING - (GAMBLING)
N.J.S.A. 2C:33-31a(6)

The indictment charges the defendant with committing the crime of dog fighting. The indictment reads as follows:

(Read Indictment)

This conduct is prohibited by a statute providing:

A person is guilty of the offense of dog fighting if that person knowingly gambles on the outcome of a fight involving a dog.

To find the defendant guilty of dog fighting the State must prove beyond a reasonable doubt that each of the following elements:

(1) That the defendant knowingly gambled on the outcome of a fight;

AND

(2) That the fight involved a dog.

The first element that the State must prove beyond a reasonable doubt is that defendant knowingly gambled on the outcome of a fight.

A person gambles when he/she stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under the actor's control or influence, upon an agreement or understanding that he/she will receive something of value in the event of a certain outcome.¹

A person acts knowingly with respect to the nature of his/her conduct or the attendant circumstances if he/she is aware that his/her conduct is of that nature, or that such circumstances exist, or the person is aware of a high probability of their existence.

A person acts knowingly with respect to a result of the conduct if he/she is aware that it is practically certain that his/her conduct will cause such a result. "Knowing," "with knowledge," or equivalent terms have the same meaning.²

Knowledge is a condition of the mind which cannot be seen and can only be determined by inferences from conduct, words or acts. A state of mind is rarely susceptible of direct proof, but must ordinarily be inferred from the facts. Therefore, it is not necessary, members of the jury, that the State produce witnesses to testify that an accused said he/she had a certain state of

¹ See N.J.S.A. 2C:37-1b.

² N.J.S.A. 2C:2-2b(2).

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mind when he/she engaged in a particular act. It is within your power to find that such proof has been furnished beyond a reasonable doubt by inference which may arise from the nature of his/her acts and his/her conduct, and from all he/she said and did at the particular time and place, and from all of the surrounding circumstances.³

The second element the State must prove beyond a reasonable doubt is that the fight that the defendant gambled on involved a dog.

If you find that the State did prove beyond a reasonable doubt all of the elements of the crime of dog fighting, then you must find the defendant guilty.

If you find that the State has not proven beyond a reasonable doubt any element of the crime of dog fighting as I have defined that crime to you, then you must find the defendant not guilty.

³ N.J.S.A. 2C:2-2.