

## NOTICE TO THE BAR

### UPDATES TO MODEL CRIMINAL JURY CHARGES AND CRIMINAL SAMPLE VERDICT SHEET

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.njcourts.gov/attorneys/criminalcharges.html>. 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/apps/jurycharges/DefaultExternal.aspx>.

The Committee has also issued a new criminal sample verdict sheet for Synthetic Cannabinoid, which can be downloaded at <http://www.njcourts.gov/attorneys/assets/criminalcharges/sampleverdictindx.pdf>.

**2C:11-5.1 and  
2C:12-1.1**

**Leaving the Scene of an Accident Resulting in Death (3/13/17)  
Leaving the Scene of an Accident Resulting in Serious Bodily Injury  
(3/13/17)**

These two charges were revised due to State v. Sene, 443 N.J. Super. 134, 140-41 (App. Div. 2015), certif. denied, 224 N.J. 282 (2016), in which the Court interpreted "involved in an accident" to mean that the driver's actions contributed to the accident and the person knows of the causal relationship between his/her actions and the accident. Additionally, pursuant to State v. Fisher, 395 N.J. Super. 533, 541 (App. Div. 2007), the fourth element provides that the defendant knowingly left the scene of that accident under circumstances that violated the provisions of the New Jersey Motor Vehicle Code [N.J.S.A. 39:4-129].

**2C:12-1b(7)**

**Aggravated Assault – Significant Bodily Injury (6/12/17)**

This charge was updated to conform with the format used for the two options for causing significant bodily injury and attempting to cause significant bodily injury in the new model charge for Aggravated Assault – Significant Bodily Injury to a Victim of Domestic Violence. An explanatory footnote was added that options one and two are not mutually exclusive and, that it may be appropriate to charge the jury as to both respective theories, causing and attempting to cause significant bodily injury, depending on the nature of the Indictment and the evidence adduced at trial.

**2C:12-1b(12)**

**Aggravated Assault – Significant Bodily Injury to a Victim of Domestic  
Violence (6/12/17)**

This is a new charge.

**2C:20-3b**

**Theft of Immovable Property (3/13/17)**

This charge was revised to add the definitions of "interest" and "transfer of an interest in real estate" as defined in State v. Kosch, Jr., 444 N.J. Super. 368 (App. Div.), certif. denied, 227 N.J. 369 (2016).

**2C:21-9a, b, c**

**Misconduct by Corporate Official (2/13/17)**

These three charges are new.

- 2C:21-20a**                    **Unlicensed Practice of Medicine and Surgery or Podiatry – Engaging in Practice (4/17/17)**
- 2C:21-20b**                    **Unlicensed Practice of Medicine and Surgery or Podiatry – Exceeding the Scope of Permitted Practice (4/17/17)**
- 2C:21-20c**                    **Unlicensed Practice of Medicine and Surgery or Podiatry – Holding Out to Public as Eligible to Practice (4/17/17)**
- 2C:21-20d**                    **Unlicensed Practice of Medicine and Surgery or Podiatry – Engaging in Activity for which a License is Required (4/17/17)**
- 2C:21-20e**                    **Unlicensed Practice of Medicine and Surgery or Podiatry – Practicing Under a False Name or False Impersonation (4/17/17)**

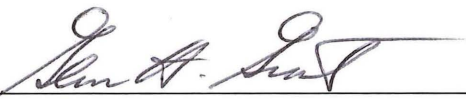
These five charges are new.

- 2C:34-1b(5)**                    **Compelling Another to Engage in or Promote Prostitution (6/12/17)**  
This is a new charge.

- 2C:35-5.3b**                    **Distribution of a Controlled Dangerous Substance (Synthetic Cannabinoid) (2/13/17)**
- 2C:35-5.3b**                    **Manufacturing of a Controlled Dangerous Substance (Synthetic Cannabinoid) (2/13/17)**
- 2C:35-5.3b**                    **Possession of a Controlled Dangerous Substance with Intent to Distribute (Synthetic Cannabinoid) (2/13/17)**
- 2C:35-5.3c**                    **Unlawful Possession of a Controlled Dangerous Substance (Synthetic Cannabinoid) (2/13/17)**
- 2C:35-5.3b, c**                    **Supplemental Charge to Offenses Set Forth in N.J.S.A. 2C:35-5.3b, c (Synthetic Cannabinoid) (2/13/17)**

These five charges are new.

Questions regarding these new and revised model criminal jury charges and criminal sample verdict sheet 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 609-815-2900 ext. 55317.

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

Dated: August 3, 2017