

AGGRAVATED ASSAULT - UNLAWFUL TAKING
OF A MOTOR VEHICLE
(N.J.S.A. 2C:12-1b(6))

The defendant (Name) is charged in count _____ with the crime of aggravated assault.
The indictment alleges:

(READ APPROPRIATE COUNT OF INDICTMENT)

The statute upon which this charge is based provides:

A person is guilty of aggravated assault if he/she causes bodily injury to another person while operating a motor vehicle in violation of [another statute defining the offense of unlawful taking of a motor vehicle]...

In order for you to find the defendant guilty of this crime the State must prove the following elements beyond a reasonable doubt:

1. That defendant caused bodily injury to another person;
and
2. That defendant did so while operating a motor vehicle in violation of the statute defining the unlawful taking of a motor vehicle.

Bodily injury is defined as physical pain, illness or any impairment of physical condition.¹ In order to find that the defendant caused bodily injury to (victim), you must find beyond a reasonable doubt, first, that (victim) would not have been injured but for defendant's conduct, and, second, that the bodily injury was a probable consequence of the defendant's conduct.² A probable consequence is one which is not too remote, accidental in its occurrence or too dependent on the conduct of another to have a just bearing on defendant's liability or the gravity of his offense.³

¹ N.J.S.A. 2C:11-1a.

² N.J.S.A. 2C:2-3e.

³ State v. Martin, 119 N.J. 2 (1990).

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A person violates the statute defining the unlawful taking of a motor vehicle for these purposes if he/she, with purpose to withhold temporarily from the owner, operates a motor vehicle without the consent of the owner or other person authorized to give consent.⁴

In conclusion, the two elements the State must prove beyond a reasonable doubt are:

1. That defendant caused bodily injury to another person;
and
2. That defendant did so while operating a motor vehicle in violation
of the statute defining the unlawful taking of a motor vehicle.

If you are satisfied that the State has proven both of these elements beyond a reasonable doubt, then you must find the defendant guilty of aggravated assault. However, if you are not convinced that each of the elements has been proven beyond a reasonable doubt, then you must find the defendant not guilty.

⁴ N.J.S.A. 2C:20-10b.