

CONTEMPT
(N.J.S.A. 2C:29-9)

The defendant is charged with committing the crime of contempt.

The Statutes of New Jersey describe the crime of "contempt" as follows:

A person is guilty of a crime . . . if he purposely or knowingly disobeys a judicial order or hinders, obstructs or impedes the effectuation of a judicial order or the exercise of jurisdiction over any person, thing or controversy by a Court, administrative body or investigative entity.

In order for the defendant to be found guilty of contempt, you must find each of the following elements beyond a reasonable doubt:

[Charge any or all of the following alternatives as appropriate.]

Alternative 1: (Charge in the case of disobedience of an order.)

1. An Order of the _____ Court had been entered.¹
2. That the defendant knew of the existence of the Order.
3. That the defendant purposely or knowingly disobeyed the Order.

A person has disobeyed a judicial order when that person has, with knowledge of the existence of the order, purposely or knowingly refused or failed to comply with an order as entered by the _____ Court which applies to (him/her). A court order may either be written or oral. In the case at hand the proofs indicate that the order which the defendant has been charged with disobeying was written/oral.

OR

Alternative 2: Charge in the case of hindering, obstructing or impeding the effectuation of a judicial order.

1. An order of the _____ Court had been entered.²
2. That the defendant knew of the existence of the Order.
3. The defendant purposely or knowingly hindered, obstructed or impeded the fulfillment of the judicial order.

¹ The question as to whether there is an order or an exercise of jurisdiction is generally a determination of law to be made by the Court.

² The question as to whether there is an order or an exercise of jurisdiction is generally a determination of law to be made by the court.

OR

Alternative 3: Charge in the case of hindering, obstructing or impeding the exercise of jurisdiction of a court, administrative body or investigative entity.

1. There had been an exercise of jurisdiction or an attempt to exercise jurisdiction by [insert name of Court, administrative body or investigative entity] over any person, thing or element in controversy.³
2. The defendant knew of the existence of this exercise of jurisdiction or attempted exercise of jurisdiction.
3. That the defendant by (his/her) conduct hindered, obstructed or impeded, that is, by (his/her) actions, prevented, deterred, delayed or inhibited by (his/her) purposeful and knowing actions the exercise of jurisdiction of [insert name of Court, administrative body or investigative entity].

A person has hindered, obstructed or impeded the fulfillment of [a judicial order or the exercise of jurisdiction] by a [court, administrative body or investigative entity] when (s)he has purposely or knowingly in any way made the accomplishment of the juridical order or exercise of jurisdiction more difficult. In this situation, it does not matter whether the order or the exercise of jurisdiction is directed to the Defendant.

[The following will be charged in all instances:]

Before the defendant can be found guilty of contempt, you must decide beyond a reasonable doubt that the defendant has purposely or knowingly [disobeyed a judicial order or hindered a judicial order or exercise of jurisdiction] beyond a reasonable doubt.

A person acts purposely with respect to the nature of (his/her) conduct or a result thereof if it is (his/her) conscious object to engage in conduct of that nature or to cause such a result. A person acts purposely with respect to attendant circumstances if (he/she) is aware of the existence of such circumstances or (he/she) believes or hopes that they exist. "With purpose," "designed," "with design" or equivalent terms have the same meaning.

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 (he/she) is aware of a high probability of their existence. A person acts knowingly with respect to a result of (his/her) conduct if (he/she) is aware that it is practically

³ Ibid.

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certain that (his/her) conduct will cause such a result. "Knowing," "with knowledge" or equivalent terms have the same meaning.

If you find beyond a reasonable doubt that the defendant purposely or knowingly [disobeyed a judicial order or hindered a judicial order or exercise of jurisdiction], then you must find defendant guilty of contempt. However, if you are not satisfied that the State has proved each of these elements beyond a reasonable doubt, then you must find the defendant not guilty.