

DOG FIGHTING - (AMUSEMENT/GAIN)
N.J.S.A. 2C:33-31a(3)

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 dog fighting if that person knowingly for amusement or gain, causes, allows, or permits the fighting or baiting of a dog.

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

- (1) That the defendant knowingly [**Choose as appropriate:** caused, allowed, or permitted] the [**Choose as appropriate:** fighting or baiting] of a dog;

AND

- (2) That the defendant engaged in this conduct for amusement or gain.

The first element the State must prove beyond a reasonable doubt is that the defendant [**Choose as appropriate:** caused, allowed, or permitted] the [**Choose as appropriate:** fighting or baiting] of a dog.

For purposes of this section “bait” means to attack with violence, to provoke, or to harass a dog with one or more animals for the purpose of training the dog for, or to cause a dog to engage in, a fight with or among other dogs.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,

¹ N.J.S.A. 2C:33-31c.

² N.J.S.A. 2C:2-2b(2).

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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 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 defendant engaged in this conduct for amusement or gain.

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.

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N.J.S.A. 2C:2-2.