

FORGERY

(N.J.S.A. 2C:21-1a)

The defendant(s) is (are) charged in count __ of the indictment with the crime of forgery.

(HERE READ PERTINENT COUNT OF INDICTMENT)

That section of our statutes provides in pertinent part that:

Any person who, with purpose to defraud or injure anyone, or with knowledge that he/she is facilitating a fraud or injury to be perpetrated by anyone

[CHARGE AS APPROPRIATE]

alters or changes any writing of another without his/her authorization

OR

makes, completes, executes, authenticates, issues or transfers any writing so that it purports to be the act of another who did not authorize that act or of a fictitious person, or to have been executed at a time or place in a numbered sequence other than was in fact the case, or to be a copy of an original when no such original existed

OR

Utters any writing which he/she knows to be forged in a manner specified above

is guilty of a crime.

In order to meet its burden of proof, the State must prove the following elements beyond a reasonable doubt:

The first element that the State must prove beyond a reasonable doubt is

[CHARGE AS APPROPRIATE]

1) that defendant altered or changed the writing of another without that person's authorization. To alter means to make a change in or to modify.

OR

1) that defendant made, completed, executed, authenticated, issued or transferred any writing so that it purported to be

(a) the act of another who did not authorize the act **OR**

(b) the act of a fictitious person **OR**

(c) to have been executed at a time or place in a numbered sequence other than was in fact the case **OR**

(d) to be a copy of an original where no such original existed.

OR

1) that defendant uttered any writing which he/she knew to be forged. **[Here set forth manner in which State alleges forgery occurred]**. To utter a writing means to put or send into circulation and includes displaying of a forged document even without having made or issued the document.

A "writing" includes printing or any other method of recording information, money, coins, tokens, stamps, seals, credit cards, badges, trademarks, access devices and other symbols of value, right, privilege or identification.

The second element that the State must prove beyond a reasonable doubt is that defendant acted with the purpose to defraud or injure or with the knowledge that the defendant is facilitating a fraud or injury.

A person acts purposely with respect to the nature of his/her conduct or the result of that conduct if it 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 the person is aware of the existence of such circumstances or 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 certain that his/her conduct will cause such a result. "Knowing," "with knowledge," or equivalent terms have the same meaning.

To defraud means to deprive a person of property or any interest, estate, or right by deceit, artifice, trickery or cheat. To injure means to cause any damage that may ensue to the good name, standing, position or general reputation of the purported author of the statement. It may also mean to misrepresent or injuriously affect the sentiments, opinions, conduct, character, prospects, interest or rights of another.¹

Purposely or knowingly are states of mind and cannot be seen and can only be determined by inference from conduct, words or acts. Therefore, it is not necessary that witnesses be produced by the State to testify that a defendant said that he/she purposely or knowingly did something. His/her purpose or knowledge may be gathered from his/her acts and his/her conduct and from all he/she said and did at the particular time and place and from all the surrounding circumstances reflected in the testimony [and evidence adduced at trial].

If you find that the State has proven the elements of the offense beyond a reasonable doubt, then you must find him/her guilty. If, however, you find that the State has failed to prove any of these elements of the offense beyond a reasonable doubt, then you must find defendant not guilty.

[CHARGE IF APPLICABLE]

If you find defendant guilty of the offense of forgery, then you must further determine the degree of the offense, which depends upon the nature of the writing involved in the forgery. If the State proves beyond a reasonable doubt that the writing is or purports to be **[choose appropriate item]** part of an issue of money, securities, postage or revenue stamps or other instruments, certificates or licenses issued by the government, New Jersey Prescription Blanks or part of an issue of stock, bonds or other instruments representing interest in or claims against any

¹ See Cannel, New Jersey Criminal Code Annotated at 513 (1998) for legislative history behind expansive definition of injury.

FORGERY
(N.J.S.A. 2C:21-1a)
Page 4 of 4

property or enterprise or an access device, then defendant is guilty of forgery in the third degree. If the State has proven all the elements of forgery beyond a reasonable doubt but has failed to prove beyond a reasonable doubt that the writing is [**choose appropriate item**], then defendant is guilty of forgery in the fourth degree.