

INTERFERING WITH A LAW ENFORCEMENT OFFICER
USING AN ANIMAL - LESSER INCLUDED¹
N.J.S.A. 2C:29-3.1(d)

If you find the defendant not guilty of (insert offense charged in the indictment), you must consider the lesser-included offense of interfering with a law enforcement officer using an animal.

The applicable statute provides, in pertinent part, that:

Any person who interferes with any law enforcement officer using
an animal in the performance of his official duties . . .

commits an offense.

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

1. that _____ was a law enforcement officer using an animal in the performance of (his/her) official duties;
2. that the defendant knew that _____ was a law enforcement officer using an animal in the performance of (his/her) official duties;
3. that the defendant interfered with _____; and
4. that the defendant knew that he/she was interfering with _____.

The first element that the State must prove beyond a reasonable doubt is that _____ was a law enforcement officer using an animal in the performance of (his/her) official duties.

A law enforcement officer is a person whose public duties include the power to act as an officer for the detection, apprehension, arrest and conviction of offenders against the laws of this State.²

The second element that the State must prove beyond a reasonable doubt is that the defendant knew that _____ was a law enforcement officer using an animal in the performance of (his/her) official duties.

A person acts knowingly with respect to the nature of his/her conduct or the attendant

¹ This charge is intended for use in those situations in which this disorderly persons offense is a lesser-included offense of a crime charged in the indictment.

² Cf. N.J.S.A. 2C:25-19c.

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circumstances if he/she is aware that his/her conduct is of that nature or that such circumstances exist or if he/she is aware of a high probability of their existence. A person acts knowingly with respect to the 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.

Knowledge is a condition of the mind that cannot be seen and that can be determined only by inferences from conduct, words or acts. A state of mind is rarely susceptible of direct proof but must ordinarily be inferred from the facts. Therefore, it is not necessary that the State produce witnesses to testify that a defendant said that 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 defendant’s acts and conduct, from all that he/she said and did at the particular time and place, and from all surrounding circumstances.

The third element that the State must prove beyond a reasonable doubt is that the defendant interfered with _____. Here, the State contends that the defendant (describe the conduct allegedly engaged in by the defendant). On the other hand, the defendant contends that (describe the defendant’s contentions).

The final element that the State must prove beyond a reasonable doubt is that the defendant knew that he/she was interfering with _____. I have previously instructed you on the meaning of a knowing state of mind.

If you find that the State has proven each element of this offense beyond a reasonable doubt, then you must find the defendant guilty. If, however, you find that the State has failed to prove any element of this offense beyond a reasonable doubt, then you must find the defendant not guilty.