

**LEADER OF DOG FIGHTING NETWORK**  
**N.J.S.A. 2C:33-32a**

The indictment charges the defendant with being the leader of a dog fighting network. The indictment reads as follows:

**(Read Indictment)**

This conduct is prohibited by a statute providing:

A person is a leader of a dog fighting network if he/she conspires with others in a scheme or course of conduct to unlawfully engage in dog fighting, as an organizer, supervisor, financier or manager of at least one other person.

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

- (1) That the defendant conspired with others in a scheme or course of conduct;
- (2) That the purpose of the scheme or course of conduct was to unlawfully engage in dog fighting;

**AND**

- (3) That the defendant acted as an **[Choose as appropriate: organizer, supervisor, financier or manager]** of at least one other person.

The first element that the State must prove beyond a reasonable doubt is that defendant conspired with others in a scheme or course of conduct.

A person is guilty of conspiring with another person or persons to commit a crime if with the purpose of promoting or facilitating its commission he/she:<sup>1</sup>

**(SELECT APPROPRIATE SECTION)**

- (1) Agrees with such other person or persons that they or one or more of them will engage in conduct which constitutes such crime or an attempt or solicitation to commit such crime; or
- (2) Agrees to aid such other person or persons in the planning or commission of such crime or of an attempt or solicitation to commit such crime.

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<sup>1</sup> N.J.S.A. 2C:5-2.

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In order for you to find a defendant guilty of conspiring with another person or persons, the State must prove beyond a reasonable doubt:

- (1) That the defendant agreed with another person or persons that they or one or more of them would engage in conduct which constitutes a crime or an attempt or solicitation to commit such crime;

**OR**

That the defendant agreed to aid another person or persons in the planning or commission of a crime or of an attempt or solicitation to commit such crime

A conspiracy may be proven by direct or circumstantial evidence. It is not essential that there be direct contact among all of the conspirators or that they enter the agreement at the same time.

If the defendant is aware that any person he/she conspired with also conspired with others to commit the same crime, the defendant is guilty of conspiring with others. He/She need not be aware of their identity.

Mere association, acquaintance, or family relationship with an alleged conspirator is not enough to establish a defendant's guilt of conspiracy. Nor is mere awareness of the conspiracy. Nor would it be sufficient for the State to prove only that the defendant met with others, or that they discussed names and interests in common. However, any of these factors, if present, may be taken into consideration along with all other relevant evidence in your deliberations.

You have to decide whether the defendant's purpose was that he/she or a person with whom he/she was conspiring would commit the crime of dog fighting. For him/her to be found guilty of conspiracy, the State has to prove beyond a reasonable doubt that when he/she agreed it was his/her conscious object or purpose to promote or make it easier to commit the crime of dog fighting.

The nature of the purpose with which the defendant acted is a question of fact for you the jury to decide. Purpose is a condition of the mind which cannot be seen and can only be determined by inferences from conduct, words or acts. It is not necessary for the State to produce a witness or witnesses who could testify that the defendant stated, for example, that he/she acted with a specific purpose. It is within your power to find that proof of purpose has been furnished beyond a reasonable doubt by inferences which may arise from the nature of the

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acts and the surrounding circumstances.

It also makes no difference what the person or persons with whom the defendant actually conspired had in mind, so long as the defendant believed that he/she was furthering the commission of the crime of dog fighting.

The second element that the State must prove beyond a reasonable doubt is that the purpose of the scheme or course of conduct was to engage in the crime of dog fighting.

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 cause such a result. A person acts purposely with respect to attendant circumstances if she is aware of the existence of such circumstances or he/she believes or hopes that they exist.<sup>2</sup>

### **[Charge the appropriate section of the dog fighting law N.J.S.A. 2C:33-31(a) (1) to (6)]**

The third element that the State must prove beyond a reasonable doubt is that the defendant acted as an **[Choose as appropriate: organizer, supervisor, financier or manager]** of at least one other person.

For purposes of this section, “Financier” means a person who, with the intent to derive a profit, provides money or credit or other thing of value in order to finance the operations of dog fighting.

It is not necessary for the State to prove that any intended profit was actually realized. You may infer that a particular scheme or course of conduct was undertaken for profit from all of the attendant circumstances, including but not limited to the number of persons involved in the scheme or course of conduct, the defendant’s net worth and his/her expenditures in relation to his/her legitimate sources of income, or the amount of cash or currency involved.<sup>3</sup>

It is not a defense to a prosecution under this section that the dog intended to be used for fighting was brought into or transported in this State solely for ultimate distribution or sale in another jurisdiction.<sup>4</sup>

It is also not a defense that the defendant was subject to the supervision or management of another, nor that another person or persons were also leaders of a dog fighting network.<sup>5</sup>

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<sup>2</sup> N.J.S.A. 2C:2-2.

<sup>3</sup> N.J.S.A. 2C:33-32d.

<sup>4</sup> N.J.S.A. 2C:33-32e.

<sup>5</sup> N.J.S.A. 2C:33-32f.

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If you find that the State did prove beyond a reasonable doubt all of the elements of the crime of being the leader of a dog fighting network, 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 being the leader of a dog fighting network as I have defined that crime to you, then you must find the defendant not guilty.