

MAKING FALSE GOVERNMENT DOCUMENTS
(N.J.S.A. 2C:21-2.1b)¹

Count ____ of the indictment charges the defendant with making false government documents.

(Read the count from the indictment)

The statute upon which this count of the indictment is based states in pertinent part:

A person who knowingly makes . . . a document or other writing which falsely purports to be a driver's license, birth certificate or other document issued by a governmental agency and which could be used as a means of verifying a person's identity or age or any other personal identifying information is guilty of a crime.

In this case, the State alleges that the defendant **(describe)**.

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

1. That on **(cite date set forth in indictment)** defendant knowingly made a **(CHOOSE APPROPRIATE: [document] [other writing])**; and
2. The document or other writing falsely purported to be a **(CHOOSE APPROPRIATE: [driver's license] [birth certificate] [other document])** issued by a governmental agency that could be used as a means of verifying a person's identity or age or any other personal identifying information.

The first element that the State must prove beyond a reasonable doubt is that on **(cite date set forth in indictment)** the defendant knowingly made a **(CHOOSE APPROPRIATE: [document] [other writing])**.

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.

¹ If the defendant is only charged with possessing devices or materials to make a document or writing (as opposed to having made a document or other writing), refer to the alternate jury charge.

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Knowledge is a condition of the mind. It cannot be seen. It can only be determined by inferences from the defendant's 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 an accused said that he/she had a certain state of mind when he/she did a particular thing. It is within your power to find that such proof has been furnished beyond a reasonable doubt by inferences which may arise from the nature of his/her acts and conduct and from all he/she said and did at the particular time and place and from all surrounding circumstances established by the evidence.

"Writing" includes printing or **[CHOOSE APPROPRIATE: 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, including retail sales receipts, universal product code (UPC) labels and checks.²]**

The second element that the State must prove beyond a reasonable doubt is that the **(CHOOSE APPROPRIATE: [document] [other writing])** was falsely purported to be a **(CHOOSE APPROPRIATE: [driver's license] [birth certificate] [other document])** issued by a governmental agency. **(CHOOSE APPROPRIATE: [The State has offered evidence] [It has been stipulated])** that the **(insert name of governmental agency)** is a governmental agency. The second element also requires that the State prove beyond a reasonable doubt (or it has been stipulated) that the **(CHOOSE APPROPRIATE: [document] [printed form] [other writing])**, purported to be issued by a governmental agency, could be used as a means of verifying a person's identity or age or other personal identifying information.

"Personal identifying information" means any name, number or other information that may be used, alone or in conjunction with any other information, to identify a specific individual and includes, but is not limited to, the name, address, telephone number, date of birth, social security number, official State issued identification number, employer or taxpayer number, place of employment, employee identification number, demand deposit account number, savings account number, credit card number, mother's maiden name, unique biometric data, such as fingerprint, voice print, retina or iris image or other unique physical representation, or unique electronic identification number, address or routing code of the individual.³

² N.J.S.A. 2C:21-1a.

³ N.J.S.A. 2C:20-1v.

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If the State has proven each of the elements of this crime beyond a reasonable doubt, then you must find the defendant guilty of having knowingly making false government documents. However, if the State has failed to prove any element beyond a reasonable doubt, then you must find the defendant not guilty.