

**MISTAKE OF LAW AS TO UNLAWFULNESS OF FORCE**

**(N.J.S.A. 2C:3-9a)**

**(To accompany Charge(s) on 2C:3-4, 2C:3-5 and 2C:3-6**

**See Separate Charge to accompany 2C:3-7)**

It sometimes happens that a person believes that the law gives (him/her) the right to use force for the purpose of:

**(HERE INSERT ONE OF THE FOLLOWING)**

- |   |   |          |
|---|---|----------|
| self protection                                 | - | (2C:3-4) |
| protection of other persons                     | - | (2C:3-5) |
| defending his/her premises or personal property | - | (2C:3-6) |

in situations where the law simply does not give (him/her) the right. The fact that (he/she) was honestly mistaken as to what the law says would be no defense against a charge based on (his/her) misuse of force.

In this case, evidence has been presented that force was used against (the defendant/a third party/defendant's property) by (complaining witness). The defendant states that (he/she) believed that the force used against the defendant (third party/(his/her) property) was unlawful and justified (his/her) own use of force. If the defendant was wrong in believing that (the complaining witness') conduct was unlawful, and the defendant's error was due to (his/her) ignorance or mistake as to what the law says, then (he/she) cannot justify (his/her) own use of force.

The State has argued that (complaining witness') conduct was lawful under (cite statute/case law) which provides (quote pertinent law). Your task is to apply this law to (complaining witness') conduct. If you find that (complaining witness') conduct was lawful, and that the defendant's belief in the unlawfulness of that conduct was erroneous, and such error was due to ignorance or mistake as to the law, then the defendant's use of force cannot be justified as (insert specified justification).