

POSSESSION OF FORGERY DEVICES

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

(Possession charge)

The indictment in this case charges the defendant with possession of a forgery device, to wit; a (describe item named in indictment), with purpose to use or aid or permit another to use the same for the purpose of forging written instruments.

The pertinent part of the statute here applicable; N.J.S.A. 2C:21-1c, reads as follows

"A person is guilty of possession of forgery devices, *** when with purpose to use, or to aid or permit another to use the same for purposes of forging written instruments, he possesses any device apparatus, equipment or article specially designed or adapted to such use."

Therefore, in order for the defendant to be found guilty of this charge, the State must prove beyond a reasonable doubt each of the following elements:

1. that on (cite date in indictment) the defendant was in possession of the (describe item in indictment).
2. that said (describe item named in indictment) was a (device) (apparatus) (equipment) or (article) specially (designed) or (adapted) for use in forging written instruments, and
3. that the defendant possessed such (describe item named in indictment) with purpose to use or aid or permit another to use same for forging written instruments.

As to the first element:

(HERE CHARGE POSSESSION)

As to the second element:

You must rely on the evidence presented to you with respect to the (name item referred to in indictment) to determine whether or not such item was specially designed or adapted for forging written instruments and the defendant had knowledge that the same could be so used.

As to the third element:

You must find that the defendant possessed this (name item referred to in indictment) with the purpose to use or to aid or permit another to use it to forge written instruments.

A person acts "with purpose" 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 to cause such a

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result. A person acts "with purpose" with respect to attendant circumstances if (he/she) is aware of the existence of such circumstances as (he/she) believes or hopes they exist.

When I speak of a knowing possession and when I speak of someone's purpose I am referring to conditions of the mind. Purpose and knowledge are conditions 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: "I possessed the (name item referred to in indictment) for the purpose of forging certain written instruments."

It is within the power of the jury to find that proof of purpose and knowledge has been furnished beyond a reasonable doubt by inferences which may arise from the nature of the acts and circumstances surrounding the conduct under investigation.

A "written instrument" includes printing or any other method of recording information, money, coins, tokens, stamps, seals, credit cards, badges, trademarks and other symbols of value, right, privilege or identification. Common examples of a symbol of value would include checks, stock certificates, bonds, stamps, (postage, revenue or food), etc.

Therefore, to sum up, if you find that the State has proved beyond a reasonable doubt all of the elements of the crime that I have just recited to you, then you must find the defendant guilty as charged.

On the other hand, if you find that the State has failed to prove all or any one of the elements of the crime beyond a reasonable doubt, you must then find the defendant not guilty.

NOTE: If forgery is not a companion indictment or count in the indictment, then the legal definition of forgery should also be charged.