

CAUSATION
(N.J.S.A. 2C:2-3)

[CHARGE IN ALL CASES]

Causation has a special meaning under the law. To establish causation, the State must prove two elements, each beyond a reasonable doubt:

First, but for the defendant's conduct, the result in question would not have happened. In other words, without defendant's actions the result would not have occurred.

[WHEN PURPOSEFUL OR KNOWING CONDUCT INVOLVED]

Second, the actual result must have been within the design or contemplation of the defendant. If not, it must involve the same kind of injury or harm as that designed or contemplated, and must also not be too remote, too accidental in its occurrence or too dependent on another's volitional act to have a just bearing on the defendant's liability or on the gravity of his/her offense.

[WHEN RECKLESS OR NEGLIGENT CONDUCT INVOLVED]

Second, [for reckless conduct] that the actual result must have been within the risk of which the defendant was aware. If not, it must involve the same kind of injury or harm as the probable result and must also not be too remote, too accidental in its occurrence or too dependent on another's volitional act to have a just bearing on the defendant's liability or on the gravity of his/her offense.

Second, [for negligent conduct] that the actual result must have been within the risk of which the defendant should have been aware. If not, it must involve the same kind of injury or harm as the probable result and must also not be too remote, too accidental in its occurrence or too dependent on another's volitional act to have a just bearing on the defendant's liability or on the gravity of his/her offense.

[ABSOLUTE OR STRICT LIABILITY]

Second, the actual result must have been a probable consequence of the defendant's conduct. It must not be too remote, too accidental in its occurrence or too dependent on another's volitional act to have a just bearing on the defendant's liability.