

Now, I will instruct you on the third part of the instructions on the portions of the Criminal Code that you must apply to the facts you find to determine whether the State has proven beyond a reasonable doubt that the defendant violated a specific criminal statute. The statute read together with the indictment identifies the elements which the State must prove beyond a reasonable doubt to establish the guilt of the defendant on each of the counts in the indictment.

[CHARGE IF APPLICABLE]

In addition, you will have the opportunity to consider certain other offenses besides those charged specifically in the indictment. These are what we call lesser offenses, crimes or offenses of a lesser degree that are considered to be included within the charges brought in the indictment. I will give you instructions about how to consider these lesser offenses shortly.

[CHARGE IF APPLICABLE]

MULTIPLE CHARGES

There are _____ offenses charged in the indictment. They are separate offenses by separate counts in the indictment. In your determination of whether the State has proven the defendant guilty of the crimes charged in the indictment beyond a reasonable doubt, the defendant is entitled to have each count considered separately by the evidence which is relevant and material to that particular charge based on the law as I will give it to you.

[CHARGE IF APPLICABLE]

WHERE MORE THAN ONE DEFENDANT:¹

You must also return separate verdicts for each defendant as to each of the charges being tried. In other words, you will have to decide each case individually. Whether the verdicts as to each defendant are the same depends on the evidence and your determination as judges of the facts.

[CHARGE SPECIFIC OFFENSES AND LESSER OFFENSES]²

¹ When accomplice liability is involved charge according to State v. Bielkiewicz, 267 N.J. Super. 520 (App. Div. 1993).

² This bracketed text should be deleted from the final draft of the charge to be given to the jury.