

**DEFACEMENT OR DAMAGE OF PROPERTY BY PLACEMENT OF
SYMBOL, OBJECT OR GRAFFITI**
N.J.S.A. 2C:33-11

The _____ count of the Indictment charges the defendant _____, with the crime of purposely defacing or damaging the property of another by placing a symbol, object or graffiti on the property. The statute on which this count of the Indictment is based reads in pertinent part:

A person is guilty of a crime if he purposely defaces or damages, without authorization of the owner or tenant, any private premises, or property primarily used for religious, educational, residential, memorial, charitable, or cemetery purposes, or for assembly of persons for purpose of exercising any right guaranteed by law or by Constitution of this State or of the United States by placing thereon a symbol, an object, a characterization, an appellation, or graffiti that exposes another to threat of violence.

In order for you to find the defendant guilty of this charge, the State has the burden of proving beyond a reasonable doubt each of the following four elements of this crime:

1. That the defendant purposely defaced or damaged a

(Choose the applicable clause)

- a. private premises; or
- b. property primarily used for
 - (1) religious purposes; or
 - (2) educational purposes; or
 - (3) residential purposes; or
 - (4) memorial purposes; or
 - (5) charitable purposes; or
 - (6) cemetery purposes; or
 - (7) assembly by persons for the purpose of exercising any right guaranteed by law or by Constitution of this State or the United

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States.

2. That the defendant acted without the authorization of the owner or tenant of the property.
3. That the defendant damaged or defaced the property by placing thereon:
(choose the applicable description[s])
 - a. a symbol;
 - b. an object;
 - c. a characterization;
 - d. an appellation; or
 - e. graffiti
4. That the symbol, object, characterization, appellation or graffiti placed on the property by the defendant exposed another to the threat of violence.

In each of the four elements that I have just outlined to you, I have used certain words which I will now define for you. In the first element, I stated that the defendant must act “purposely” or “with purpose.” A person acts purposely 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 result. A person acts purposely with respect to the attendant circumstances if the individual is aware of the existence of such circumstances or the individual believes or hopes that they exist. One can be deemed to be acting purposely if one acts with design, with a purpose, or with a particular object. In other words, did the defendant really mean to do what he/she did?

There are other words used in the four elements that I will define for you:

(Choose the appropriate phrases applicable to the facts of the case)

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In the first element:

1. To deface means: To spoil the surface or appearance; or to impair the usefulness or value.
2. To damage is: To detrimentally affect the quality or utility of property.

In the second element:

1. Authorization is: To receive approval or permission.

In the third element:

1. Symbol is: Something that represents something else by recognizable association, resemblance or convention.
2. An object is: Something perceptible, especially to the sense of vision or touch.
3. Characterization is: A description or representation of a person's qualities or peculiarities.
4. Appellation is: A name or title.
5. Graffiti is: A drawing, slur or inscription scratched on a wall or other surface.

In the fourth element:

1. A threat is: An indication exposing one to a fear of imminent or impending danger or harm.
2. Violence is: Physical force exerted for the purpose of violating, damaging or abusing.

The State must prove beyond a reasonable doubt all four of the elements that constitute this offense. If you are satisfied, beyond a reasonable doubt, that the State has proven each and every one of the elements of this offense, as I have defined them, then you must find the defendant guilty. However, if you find that the State has failed to prove, beyond a reasonable doubt, any one or more of the elements of this offense as I have defined them, then you must find

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the defendant not guilty.