

DOG FIGHTING - (OWNER/TRAINER)
N.J.S.A. 2C:33-31a(2)

The indictment charges the defendant with committing the crime of dog fighting. The indictment reads as follows:

(Read Indictment)

This conduct is prohibited by a statute providing:

A person is guilty of dog fighting if that person knowingly
Owns, possesses, keeps, trains, promotes, purchases, breeds
or sells a dog for the purpose of fighting or baiting that dog.

To find the defendant guilty of dog fighting the State must prove beyond a reasonable doubt each of the following elements:

- (1) That the defendant knowingly [**Choose one or more, as appropriate:** owned, possessed, kept, trained, promoted, purchased, bred or sold] a dog.

AND

- (2) That the defendant did so for the purpose of [**Choose as appropriate:** fighting or baiting] the dog.

The first element that the State must prove beyond a reasonable doubt is that defendant knowingly [**Choose one or more, as appropriate:** owned, possessed, kept, trained, promoted, purchased, bred or sold] a dog.

[IF POSSESSION IS CHARGED, DEFINE POSSESSION AS FOLLOWS, (To “possess” an item under the law, one must have a knowing, intentional control of that item accompanied by knowledge of its character. So, a person who possesses an item such as a dog must know or be aware that he/she possesses it, and he/she must know what it is that he/she possesses or controls (that it is a dog). [**WHERE APPLICABLE, charge:** Possession cannot merely be a passing control, fleeting or uncertain in its nature.] In other words, to “possess” an item, one must knowingly procure or receive an item or be aware of his/her control thereof for a sufficient period of time to have been able to relinquish his/her control if he/she chose to do so].

A person acts knowingly with respect to the nature of his/her conduct or the attendant circumstances if he/she is aware that his/her conduct is of that nature, or that such circumstances exist, or the person is aware of a high probability of their existence.

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A person acts knowingly with respect to a result of the conduct if he/she is aware that it is practically certain that his/her conduct will cause such a result. “Knowing,” “with knowledge,” or equivalent terms have the same meaning.¹

The second element that the State must prove beyond a reasonable doubt is that the Defendant [**Choose one or more, as appropriate:** owned, possessed, kept, trained, promoted, purchased, bred or sold] the dog for the purpose of [**Choose as appropriate:** fighting or baiting] the dog.

For purposes of this section “bait” means to attack with violence, to provoke, or to harass a dog with one or more animals for the purpose of training the dog for, or to cause a dog to engage in, a fight with or among other dogs.²

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 attendant circumstances if he/she is aware of the existence of such circumstances or he/she believes or hopes that they exist. “With purpose,” “designed,” “with design,” or equivalent terms have the same meaning.³

Purpose and knowledge are conditions of the mind which cannot be seen and can only be determined by inferences from conduct, words or acts. A state of mind is rarely susceptible of direct proof, but must ordinarily be inferred from the facts. Therefore, it is not necessary, members of the jury, that the State produce witnesses to testify that an accused said he/she had a certain state of mind when he/she engaged in a particular act. It is within your power to find that such proof has been furnished beyond a reasonable doubt by inference which may arise from the nature of his/her acts and his/her conduct, and from all he/she said and did at the particular time and place, and from all of the surrounding circumstances.⁴

If you find that the State did prove beyond a reasonable doubt all of the elements of the crime of dog fighting, then you must find the defendant guilty.

¹ N.J.S.A. 2C:2-2b(2).

² N.J.S.A. 2C:33-31c.

³ N.J.S.A. 2C:2b(1).

⁴ N.J.S.A. 2C:2-2.

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If you find that the State has not proven beyond a reasonable doubt any element of the crime of dog fighting as I have defined that crime to you, then you must find the defendant not guilty.