

**FALSIFYING OR TAMPERING WITH RECORDS**

**N.J.S.A. 2C:21-4a**

The defendant is charged under the \_\_\_\_\_ count of this Indictment with the crime of falsifying or tampering with records.

The pertinent part of the statute on which this count of the indictment is based reads as follows:

A person commits a crime if he falsifies, destroys, removes, conceals any writing or record, or utters any writing or record knowing that it contains a false statement or information, with a purpose to deceive or injure anyone or to conceal any wrongdoing.

The State must prove, beyond a reasonable doubt, each of the following elements of the crime:

(1) The defendant, [**choose appropriate act**] (falsified), (destroyed), (removed), (concealed any writing or record) or (uttered any writing or record, knowing it contained a false statement or information).

(2) The defendant acted with a purpose to deceive or injure anyone or conceal any wrongdoing.

The first element the State must prove beyond a reasonable doubt is the defendant [**choose appropriate act**] (falsified), (destroyed), (removed), (concealed any writing or record) or (uttered any writing or record knowing it contained a false statement or information).

As used in this statute, “writing” includes printing or any other method of recording information, money, coins, tokens, stamps, seals, credit cards, badges, trademarks, access devices, and other symbols of value, right, privilege, or identification.<sup>1</sup>

A writing or record is uttered when it is offered, provided, or displayed to another without regard to whether it is accepted, with the knowledge that it contained a false statement or information.<sup>2</sup>

[<sup>3</sup>A person acts knowingly with respect to the nature of his/her conduct or the attending circumstances if he/she is aware that his conduct is of that nature, or that such circumstances exist, or he/she is aware of a high probability of their existence. A person acts knowingly with respect to a result of his/her conduct if he/she is aware that it is practically certain that his/her conduct will cause such a result.]

<sup>1</sup> N.J.S.A. 2C:21-1a(3).

<sup>2</sup> State v. Gledhill 67 N.J. 565,572 (1972).

<sup>3</sup> Do not define “knowledge” unless an uttering case.

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The second element the State must prove beyond a reasonable doubt is that the defendant acted with a purpose to deceive or injure anyone or conceal any wrongdoing.

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 any attendant circumstances if he/she is aware of the existence of such circumstances or believes or hopes they exist.

The nature of the purpose [or knowledge<sup>4</sup>] with which the defendant acted is a question of fact for you the jury to decide. Purpose [and knowledge] is a [are] condition[s] of the mind which cannot be seen and can only be determined by inferences from conduct, conditions or acts. It is not necessary for the State to produce a witness who could testify that the defendant stated, for example, that his/her purpose was to deceive or injure anyone or to conceal any wrongdoing. [or that he/she knew that the writing or record contained any false statement or information.] It is within your power to find proof of purpose [or knowledge] has been furnished beyond a reasonable doubt by inferences which may arise from the acts and surrounding circumstances.

If you find that the State has proven all of the elements beyond a reasonable doubt, then you must return a verdict of guilty. On the other hand, if you find the State has failed to prove any of the elements beyond a reasonable doubt, then you must return a verdict of not guilty.

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<sup>4</sup> Do not charge “knowledge” unless an uttering case.