

**FAILURE TO REPORT A DEATH OF A PERSON AND TOUCHING,
REMOVING AND/OR DISTURBING THE BODY OF A DECEASED PERSON**

N.J.S.A. 52:17B-89—CAYLEE’S LAW

(Effective January 5, 2012)

Count (INSERT) of the Indictment charges the defendant with the crime of failing to report a death and touching, removing, or disturbing the body and/or the clothing upon or near the deceased. **(Read the Indictment)**. The statute on which this count of the Indictment is based reads in pertinent part:

Any person who may become aware of any death by criminal violence, by accident or suicide, or in any suspicious or unusual manner who knowingly neglects or refuses to report that death to the office of county medical examiner, the office of State Medical Examiner, or to the police department of the municipality in which the person died and knowingly touches, removes, or disturbs the body of the deceased or touches, removes, or disturbs the clothing upon or near the deceased without an order from the office of county medical examiner or the office of State Medical Examiner is guilty of a crime.

In order for you to find the defendant guilty of this offense, the State must prove beyond a reasonable doubt:

1. That the death of _____ (insert deceased’s name) was by criminal violence, by accident or suicide, or in any suspicious or unusual manner;
2. That the defendant became aware of the death of _____ (insert deceased’s name);¹
3. That the defendant knowingly neglected or refused to report that death to the office of county medical examiner, the office of State Medical Examiner, or to the police department of the municipality in which _____ (insert deceased’s name) died;
4. That the defendant knowingly touched, removed, or disturbed the body of the deceased and/or touched, removed, or disturbed the clothing upon or near the deceased;
5. That the defendant did not have an order from the office of county

¹ State v. N.I., 349 N.J. Super. 299 (App. Div. 2002).

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medical examiner or the office of State Medical Examiner
allowing him/her to (touch) (remove) and/or (disturb) the body
and/or the clothing of the deceased person.

The first element that the State must prove beyond a reasonable doubt is that the defendant became aware of the death of _____ (insert deceased's name) and that the death was by criminal violence, by accident or suicide, or in any suspicious or unusual manner.

The second element that the State must prove beyond a reasonable doubt is that the defendant knowingly neglected or refused to report that death to the office of county medical examiner, the office of State Medical Examiner, or to the police department of the municipality in which _____ (insert deceased's name) died.

The third element that the State must prove beyond a reasonable doubt is that the defendant knowingly touched, removed, or disturbed the body of the deceased and/or touched, removed, or disturbed the clothing upon or near the deceased.

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 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.

Knowledge is a condition of the mind. It cannot be seen. It can only be determined by inferences from defendant's 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 that the State produce witnesses to testify that an accused said that 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 conduct, and from all he/she said and did at the particular time and place, and from all surrounding circumstances established by the evidence.

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The fourth element that the State must prove beyond a reasonable is that the defendant did not have an order from the office of county medical examiner or the office of State Medical Examiner allowing him/her to (touch) (remove) and/or (disturb) the body and/or the clothing of the deceased person.

If you find that the State has proved each element of the offense beyond a reasonable doubt, then you must find the defendant guilty.

If you find that the State has failed to prove any element of the offense beyond a reasonable doubt, then you must find the defendant not guilty.