

IMPERSONATING A LAW ENFORCEMENT OFFICER
N.J.S.A. 2C:28-8(b)

(Defendant) is charged with falsely pretending to hold a position as [**CHOOSE AS APPROPRIATE**]: an officer, member, employee, or agent of [an organization or association of law enforcement officers] with purpose to induce another to submit to such pretended authority or otherwise to act in reliance upon that pretense.

[READ APPROPRIATE COUNT OF INDICTMENT]

This charge is based upon a statute providing:

A person commits a crime ... if he falsely pretends to hold a position as [**CHOOSE AS APPROPRIATE**] an officer or member or employee or agent of any organization or association of law enforcement officers with purpose to induce another to submit to such pretended official authority or otherwise to act in reliance upon that pretense.

For (defendant) to be guilty of this offense, the State must prove each of the following essential elements of the offense beyond a reasonable doubt:

1. that (defendant) pretended to hold a position as an [**CHOOSE AS APPROPRIATE**] officer, member, employee, or agent of any organization or association of law enforcement officers.
2. that that representation was false.
3. that at that time (defendant) knew that that information was false.
4. that at that time (defendant) provided that information with the purpose to induce another to submit to such pretended official authority or otherwise to act in reliance upon that pretense.

The first element that the State must prove beyond a reasonable doubt is that (defendant)

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pretended to hold a position as an [**CHOOSE AS APPROPRIATE**] officer, member, employee, or agent of any organization or association of law enforcement officers. Here, the State contends that (defendant) pretended to hold a position as _____.

The second element that the State must prove beyond a reasonable doubt is that (defendant's) representation that he/she held a position as an [**CHOOSE AS APPROPRIATE**] officer, member, employee, or agent of that organization or association was false; that is, at that time, (defendant) was not an [**CHOOSE AS APPROPRIATE**] officer, member, employee, or agent of that organization or association.

The third element that the State must prove beyond a reasonable doubt is that, when (defendant) made his representation, he/she knew that that representation was false. 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. One acts knowingly if one acts with knowledge, consciously, or if one comprehends his/her acts.

The fourth element that the State must prove beyond a reasonable doubt is that, when (defendant) made that representation, his/her purpose was to induce another to submit to such pretended official authority or otherwise to act in reliance upon that pretense. 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

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respect to attendant circumstances if he/she is aware of the existence of such circumstances or believes or hopes that they exist. Someone acts purposely if he/she acts with design, with a purpose, with a particular objective in mind, if he/she really means to do what he/she does. Here, the State contends that (defendant's) purpose was _____ [summarize factual contention of State].

WHERE APPROPRIATE, ADD: Defendant contends that his/her purpose was _____
_____.

Purpose and knowledge are conditions of the mind. They cannot be seen. Often, they can be determined only by inferences drawn from a defendant's conduct, words or acts as presented in the evidence you have heard and seen. So, it is not necessary that the State produce a witness or witnesses to testify that (defendant) said, for example, that he/she acted purposely or knowingly when he/she engaged in the conduct with which he/she is charged. You may find that proof of purpose or knowledge has been furnished beyond a reasonable doubt by inferences which you may draw from the nature of the acts and the circumstances surrounding the conduct in question as you have heard from the evidence.

If the State has proven each of these elements beyond a reasonable doubt, you must find (defendant) guilty of this charge. On the other hand, if the State has failed to prove any of these elements beyond a reasonable doubt, you must find (defendant) not guilty.