

RECKLESSLY ENDANGERING ANOTHER PERSON
(Loss or Destruction of a Vessel)
(N.J.S.A. 2C:12-2a)

The defendant _____ is charged with the crime of Recklessly Endangering Another Person. The State claims that the defendant:

(Read appropriate count of the indictment)

The law upon which this charge is based reads as follows:

A person who purposely or knowingly does any act, including putting up a false light, which results in the loss or destruction of a vessel, commits a crime of the third degree.

To convince you that _____ is guilty, the State must prove two essential elements beyond a reasonable doubt:

1. That _____ did an act that resulted in the loss or destruction of a vessel
and
2. That _____ did this act purposely or knowingly.

Loss or destruction of a vessel means ANY damage to a vessel which has been caused by an act of the defendant. The damage does not have to amount to total destruction. Any amount of damage is enough for the act to be a crime.

A vessel is any structure designed to travel in or on water.

Putting up a false light means using any light or signal for the purpose of luring or misleading a vessel into danger.

I have used the words "purposely" and "knowingly".¹ The nature of the purpose or knowledge with which the defendant acted is a question of fact for you, ladies and gentlemen, to decide. Purpose and knowledge are conditions of the mind which cannot be seen, but which may be gathered from a person's conduct, words or acts. It is not necessary for the State to produce a witness who can testify that the defendant said that it was his/her purpose to cause loss or destruction to the (name of vessel). It is sufficient for you to find that proof of purpose or knowledge has been furnished beyond a reasonable doubt by the nature and circumstances

¹ While N.J.S.A. 2C:12-2 is entitled "Recklessly Endangering Another Person", the body of the Statute does not refer to "reckless conduct" but only to "purpose" and "knowledge." Perhaps the title should be corrected to read "Endangering Another Person."

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surrounding the conduct under investigation. All that was done or said by the defendant preceding, connected with and immediately following the events in question should be considered in deciding whether or not the defendant purposely or knowingly endangered another person.

A person acts purposely with respect to the nature of his/her conduct or a result thereof if it is a person's 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 a person 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.²

A person acts knowingly with respect to the nature of his/her conduct or the attendant circumstances if a person is aware that his/her conduct is of that nature, or that circumstances exist, or the person is aware of a high probability of their existence. A person acts knowingly with respect to a result of his/her conduct if a person 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.³

Summarizing, the State must prove that _____ purposely or knowingly (describe act alleged) and by doing this caused the loss or destruction of the (name of vessel).

If, bearing in mind the meaning of the terms I have just explained, you are satisfied, beyond a reasonable doubt, that the State has proved all of the elements of the crime charged, then you will find _____ guilty. If, on the other hand, you have any reasonable doubt concerning any one of the elements of this crime then you will find _____ not guilty.

² N.J.S.A. 2C:2-2b (1).

³ N.J.S.A. 2C:2-2b (2).