

RIOT
(N.J.S.A. 2C:33-1(a))

The defendant is charged with the offense of riot. The statute on which this charge is based reads in pertinent part as follows:

A person is guilty of riot, . . . if he participates with four or more others in a course of disorderly conduct

- (1) With purpose to commit or facilitate the commission of a crime;
- or
- (2) With purpose to prevent or coerce official action;
- or
- (3) When he or any other participant, known to him, uses or plans to use a firearm or other deadly weapon.

Accordingly you are to determine whether the State has proven to your satisfaction beyond a reasonable doubt each of the following elements which make up this offense:

1. That the defendant participated with four or more others in a course of disorderly conduct,

AND

(Choose applicable statutory provision)

- 2(a) That the defendant acted in common with the other participants with purpose to commit or facilitate the commission of a crime,

OR

- 2(b) That the defendant acted in common with the other participants with purpose to prevent or coerce official action,

OR

- 2(c) That the defendant or any other participant, known to the defendant, used or planned to use a firearm or other deadly weapon.

The first element requires that the defendant participated with four or more others in a course of disorderly conduct. As here used the term "disorderly conduct" has a limited meaning and is specifically defined in another section of the statute as follows:

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A person engages in disorderly conduct under this statute if with purpose to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof he

- (1) Engages in fighting or threatening, or in violent or tumultuous behavior,

OR

- (2) Creates a hazardous or physically dangerous condition by any act which serves no legitimate purpose of the participant.

"Recklessly" here means that a person consciously disregards a substantial and unjustifiable risk that his/her actions would cause public inconvenience, annoyance or alarm. The risk here involved must be of such a nature and degree that considering the nature and purpose of the actor's conduct in the circumstances known to him/her, its disregard involves a gross deviation from the standard of conduct that a reasonable person would follow in the actor's situation.

(If element 2(a) is applicable)

The second element requires that the defendant acted in common with the other participants with purpose to commit or facilitate the commission of a crime. In this regard the State contends that the defendant acted in common with purpose to commit (or facilitate the commission of) the crime of

(Such crime should at this point be defined)

A person acts with purpose or purposely with respect to the nature of his/her conduct or result thereof if it is his/her conscious object to engage in conduct of that nature or to cause such a result.

(If element 2(b) is applicable)

The second element requires that the defendant acted in common with the other participants with purpose to prevent or coerce official action. "Official action" here means any act which may be performed by any government official within (his/her) official capacity including any directive or order given by a peace officer or other public servant employed in

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executing or enforcing the law.

A person acts "with purpose" or "purposely" with respect to the nature of his/her conduct or result thereof if it is his/her conscious object to engage in conduct of that nature or to cause such a result.

(If element 2(c) is applicable)

The second element requires that the defendant or any other participant known to the defendant used or planned to use a firearm or other deadly weapon.

"Known" here means simply to be aware of -- to have knowledge of the fact that a participant, who is a person known to the defendant, has a firearm or other deadly weapon and either has used or plans to use it in the course of the disorderly conduct which I have previously defined.

(At this point if applicable the term "firearm" should be defined. Firearm is defined under N.J.S.A. 2C:39-1f and such portion of said definition as appropriate should be used.)

"Deadly weapon" means a firearm or other weapon, device, instrument, material or substance whether animate or inanimate, which in the manner it is used or is intended to be used, is known to be capable of producing death or serious bodily injury or in which the manner it is fashioned could lead the victim reasonably to believe it to be capable of producing death or serious bodily injury. "Serious bodily injury" means bodily injury which creates a substantial risk of death or which causes serious permanent disfigurement, or protracted loss or impairment of any bodily member or organ.

It is the burden of the State to prove the elements of this offense beyond a reasonable doubt. Should you find that the State has met that burden and proved to your satisfaction each and all of these elements beyond a reasonable doubt, then you should find the defendant guilty of this offense. If you find that the State has not met this burden and has failed to prove any one or more of these elements beyond a reasonable doubt, then the defendant should be found not guilty of this offense.