

UNLAWFUL TAKING OF A MEANS OF CONVEYANCE
MOTOR VEHICLE PASSENGER
(N.J.S.A. 2C:20-10d)

The ____ Count of the Indictment charges the defendant with the crime of unlawful use of a means of conveyance.

(Read Indictment)

The pertinent part of the statute defendant is charged with violating reads:

A person commits a crime ... if he enters and rides in a motor vehicle knowing that the motor vehicle had been taken or is being operated without the consent of the owner or other person authorized to consent.¹

In order for the defendant to be found guilty of this offense, the State must prove each of the following elements beyond a reasonable doubt:

1. A motor vehicle had been taken or was being operated without the consent of the owner or other person authorized to consent.
2. The defendant entered and rode in the vehicle.
3. The defendant entered and rode in the vehicle knowing that it had been taken or was being operated without the consent of the owner or other person authorized to consent.

The first element that the State must prove beyond a reasonable doubt is that a motor vehicle had been taken or was being operated without the consent of the owner or other person authorized to give consent. "Motor vehicle" includes all vehicles propelled otherwise than by muscular power, excepting such vehicles as run only upon rails or tracks or motorized bicycles.²

The second element is that the defendant entered and rode in the vehicle.

The third element requires proof that the defendant entered and rode in the vehicle knowing that it had been taken or was being operated without the consent of the owner or another authorized to give consent. A person acts knowingly with respect to the nature of his/her conduct when 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

¹ N.J.S.A. 2C:20-10d.

² N.J.S.A. 2C:1-14 and N.J.S.A. 39:1-1.

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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. “Knowingly,” “with knowledge” or equivalent terms have the same meaning.

If the State has failed to prove any element of the crime beyond a reasonable doubt, you must find the defendant not guilty. If, however, the State has proved each element beyond a reasonable doubt, you must find the defendant guilty.