

**LEADER OF FIREARMS TRAFFICKING NETWORK
(N.J.S.A. 2C:39-16)**

The indictment charges defendant with the crime of being a leader of a firearms trafficking network. That section of our statutes provides in pertinent part that:

A person is a leader of a firearms trafficking network if he conspires with others an organizer, supervisor, financier or manager, to engage for profit in a scheme or course of conduct to unlawfully manufacture, transport, ship, sell or dispose of any firearm.

In order to convict defendant of the charge, the State must prove each of the following elements beyond a reasonable doubt:

- (1) That defendant conspired with two or more persons.
- (2) That the conspiracy included a scheme or course of conduct to unlawfully (manufacture, transport, ship, sell or dispose) of any firearm.
- (3) That defendant was an organizer, supervisor, financier or manager in such a conspiracy.
- (4) That defendant occupied a high level position of superior authority or control over other persons in the scheme or organization and exercised that authority or control over others involved in the scheme or organization.¹
- (5) That defendant engaged in the conspiracy for profit.

If you find that the State has proven each of these elements beyond a reasonable doubt, then you must find defendant guilty of being a leader of a firearms trafficking network. If you find that the State has failed to prove any of these elements beyond a reasonable doubt, then you must find the defendant not guilty of being a leader of a firearms trafficking network.

The first element which the State must prove beyond a reasonable doubt is that defendant conspired with two or more persons. **[Read model jury charge on conspiracy; if conspiracy already charged, remind jurors of that definition].**

The second element which the State must prove beyond a reasonable doubt is that the

¹ This language is based upon State v. Alexander, 136 N.J. 563 (1994), in which the Supreme Court construed identical language.

LEADER OF FIREARMS TRAFFICKING NETWORK
N.J.S.A. 2C:39-16

conspiracy included a scheme or course of conduct to unlawfully (manufacture, transport, ship, sell or dispose of)² firearms. Firearm means any handgun, rifle, shotgun, machine gun, automatic or semi-automatic rifle, or any gun.³ Manufacture means to receive or obtain raw materials or parts and process them into firearms or finished parts of firearms.⁴ Transport means to carry from one place to another. Ship means to send or transport by any carrier. Sell means to exchange property, goods or services for money or its equivalent. Dispose of means to give away, lease, loan, keep for sale, offer, offer for sale, sell, transfer, or otherwise transfer possession.

[IF APPLICABLE, CHARGE FOLLOWING]

It is not a defense to this charge that the firearms were brought into or transported in this State solely for ultimate distribution or dispensing in another jurisdiction.

The third element which the State must prove beyond a reasonable doubt is that defendant acted as an organizer, supervisor, financier or manager within the conspiracy. An organizer is a person who arranges, devises, or plans a firearms trafficking conspiracy. A supervisor is one who oversees the operation of a firearms trafficking conspiracy. A financier is one who is responsible for providing the funds or resources necessary to operate a firearms trafficking conspiracy. A manager is one who directs the operations of a firearms trafficking conspiracy. Defendant, however, does not have to be the only or even the primary organizer, supervisor, financier or manager.

The fourth element which the State must prove beyond a reasonable doubt is that defendant held a high level position of superior authority in the firearms trafficking conspiracy. In other words, the State must prove that defendant occupied a position of authority or control over other persons in a scheme or organization of firearms manufacturing, transporting, shipping or selling and that in that position the defendant exercised supervisory authority or control over others engaged in the firearms trafficking conspiracy.

The final element which the State must prove beyond a reasonable doubt is that defendant engaged in the conspiracy for profit. However, the State need not prove that any intended profit

² Choose the appropriate allegation.

³ A fuller definition of firearm is included in N.J.S.A. 2C:39-1f and may be used if necessary.

⁴ N.J.S.A. 2C:39-1j.

LEADER OF FIREARMS TRAFFICKING NETWORK
N.J.S.A. 2C:39-16

was actually realized. You may infer that a particular scheme or course of conduct was undertaken for profit from all the surrounding circumstances, including but not limited to the number of persons involved in the scheme or course of conduct, the defendant's net worth and his/her expenditures in relation to his legitimate source(s) of income, the amount of firearms involved or the amount of cash or currency involved.

[IF APPLICABLE, CHARGE FOLLOWING]

It is not a defense to this charge that the profit, if any, involved in this scheme was intended to be made in another jurisdiction.

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