

SAMPLE VERDICT SHEET: Murder (own conduct)

(Murder (own conduct): Aggravated Manslaughter, and Reckless Manslaughter)

_____	:	SUPERIOR COURT OF NEW JERSEY
STATE OF NEW JERSEY	:	LAW DIVISION-CRIMINAL PART
	:	_____ COUNTY
v.	:	
	:	
	:	
_____	:	INDICTMENT NO. _____
	:	
Defendant	:	
	:	
_____	:	

This form is only to be used to report your verdict.

QUESTION NUMBER ONE

[Optional: Insert the count on the indictment]

On the charge of Murder, we find the defendant:

Not Guilty of Murder	_____
Guilty of Murder	_____

If you have found the defendant Not Guilty of Murder, go to question number two.

If you have found the defendant Guilty of Murder, please answer Question 1A, then proceed to question number four.

QUESTION 1A: Do you find that the defendant committed the Murder by defendant's own conduct?

_____	_____
No	Yes

If you answered "No" to Question 1A., skip Question 1B. and proceed to Question Four

If you answered “Yes” to Question 1A., answer Question 1B below, then proceed to question four.

QUESTION 1B. Do you find that *[insert language of aggravating factor]*¹?

No

Yes

QUESTION NUMBER TWO

[Optional: Insert the count on the indictment]

On the charge of Aggravated Manslaughter, we find the defendant:

Not Guilty of Aggravated Manslaughter, or _____

Guilty of Aggravated Manslaughter _____

If you have found the defendant Not Guilty of Aggravated Manslaughter, go to question number three (3).

QUESTION NUMBER THREE

[Optional: Insert the count on the indictment]

On the charge of Reckless Manslaughter, we find the defendant:

Not Guilty of Reckless Manslaughter , or _____

Guilty of Reckless Manslaughter _____

Proceed to Question Four.

QUESTION NUMBER FOUR

[INSERT ADDITIONAL CHARGES IF APPROPRIATE]

PLEASE ADVISE THE SHERIFF’S OFFICER THAT YOU HAVE REACHED A VERDICT.

¹ N.J.S.A. 2C:11-3b(4), contains twelve potential aggravating factors, listed (a) through (l), that result in Life without the Possibility of Parole if found by the jury if, and only if, the “own conduct” triggering factor is first found by the jury. Some, such as factor (a)(that the defendant has a prior murder conviction) will likely require a bifurcated proceeding, and should generally not be presented to a jury in the initial verdict sheet. Others may not have the same risk of prejudice. The trial court should take great care to ensure that aggravating factors are only presented in this verdict sheet if they do not create a risk of prejudicing the guilt determination for the substantive offenses charged. Those factors that do create such prejudice may require a separate deliberation with or without additional evidence. In all cases, only those aggravating factors pled in the indictment may be considered by the jury.