

SUPERIOR COURT OF NEW JERSEY, APPELLATE DIVISION

State v. Gibson, 92 N.J. Super. 397

223 A.2d 638 (App. Div. 1966) · Decided October 28, 1966

SUMMARY

The New Jersey Appellate Division affirmed Theodore Gibson's convictions for selling heroin under R.S. 24:18-4. The court held that criminal intent was not an element of the statutory offense and rejected Gibson's challenge to the denial of a mistrial based on evidence of a codefendant's prior narcotics purchase.

CASE DETAILS

COURT	Superior Court of New Jersey, Appellate Division
WRITING FOR THE COURT	Kolovsky, J.A.D.; Sullivan; Kolovsky; Carton
JURISDICTION	New Jersey
DECIDED	October 28, 1966
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed his jury conviction for selling heroin, arguing that the trial court improperly refused to charge the jury that criminal intent was an element of the offense and improperly denied a mistrial after testimony concerning a prior narcotics purchase by a codefendant.
STANDARD OF REVIEW	The court reviewed the jury-instruction and mistrial rulings for legal error and prejudicial error.
PRECEDENTIAL VALUE	Published precedential opinion of the Superior Court of New Jersey, Appellate Division
PARTIES	Theodore Gibson v. State of New Jersey

TOPICS

- mens rea
- statutory interpretation
- evidence
- criminal procedure
- appellate procedure

PRACTICE AREAS

- criminal law
- criminal procedure
- statutory interpretation
- evidence

QUESTIONS PRESENTED

1. Whether criminal intent or mens rea was an element of the offense of selling narcotics under R.S. 24:18-4.
2. Whether the trial court erred in denying a mistrial after testimony about a prior narcotics purchase by codefendant King.
3. Whether any other asserted trial errors warranted reversal.

HOLDINGS

1. Mens rea is not an element of the statutory offense of selling narcotics under R.S. 24:18-4; the State need prove only the unauthorized sale of a narcotic drug, without proving criminal intent.
2. The trial court did not err in denying a mistrial because the evidence was admissible against King to establish identity and the jury was instructed that conduct occurring outside Gibson's presence was not evidence against Gibson.

KEY QUOTATIONS

"A mens rea is not an element of the statutory offense here involved." (399)

"The criminal mind is not essential where the Legislature has so willed." (399)

"The prohibition of the act is simple and clear: no one shall sell any narcotic drug except as authorized by the Drug Law." (400)

FACTUAL BACKGROUND

An undercover Newark police officer, Thomas Lyons, identified Theodore Gibson as one of the sellers in a heroin transaction. Gibson denied participating in the sale and presented an alibi. During trial, Lyons also referred to a previous narcotics purchase from codefendant Sydney King, and the trial court instructed the jury that events occurring outside Gibson's presence were not evidence against Gibson.

PROCEDURAL HISTORY

Gibson and Sydney King were convicted after a jury trial of selling heroin in violation of R.S. 24:18-4. Gibson appealed the judgment of conviction. The Appellate Division rejected his arguments and affirmed, finding no prejudicial error.

DISPOSITION

affirmed

CASES CITED

- State v. Labato, 7 N.J. 137, 149 (1951)
- Morss v. Forbes, 24 N.J. 341, 358 (1957)
- State v. DeMeo, 20 N.J. 1, 8 (1955)
- United States v. Balint, 258 U.S. 250, 42 S. Ct. 301, 66 L. Ed. 604 (1922)

- Commonwealth v. Gorodetsky, 178 Pa. Super. 467, 115 A.2d 760 (Super. Ct. 1955)
- Halsted v. State, 41 N.J.L. 552, 597 (E. & A. 1879)
- State v. Reed, 34 N.J. 554, 564-565 (1961)
- State v. Neff, 67 N.J. Super. 213, 219 (App. Div. 1961)

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