

SUPREME COURT OF NEW JERSEY

State v. Hodde, 181 N.J. 375

858 A.2d 1126 (2004) · Decided September 27, 2004

SUMMARY

The Supreme Court of New Jersey held that a conviction for receiving stolen property under N.J.S.A. 2C:20-7a and N.J.S.A. 2C:20-2b(2)(b) requires the State to prove that the property was actually stolen, not merely that the defendant knew or believed it was stolen. The court reversed the conviction because the jury was instructed that the State did not need to prove actual theft and remanded for a new trial.

CASE DETAILS

COURT	Supreme Court of New Jersey
WRITING FOR THE COURT	Justice Zazzali; Chief Justice Poritz; Justice Long; Justice LaVecchia; Justice Albin; Justice Wallace
JURISDICTION	New Jersey
DECIDED	September 27, 2004
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Defendant appealed his conviction for third-degree theft by receiving stolen property. The Appellate Division affirmed, and the Supreme Court of New Jersey granted certification.
STANDARD OF REVIEW	The court reviewed the unobjected-to jury instruction for plain error and interpreted the relevant criminal statutes de novo.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of New Jersey
PARTIES	Richard Hodde v. State of New Jersey

TOPICS

- statutory interpretation
- plain meaning rule
- legislative intent
- jury instructions
- criminal procedure

PRACTICE AREAS

- criminal law
- criminal procedure
- statutory interpretation

QUESTIONS PRESENTED

1. Whether N.J.S.A. 2C:20-7a and the related grading provision, N.J.S.A. 2C:20-2b(2)(b), require the State to prove that property involved in a receiving-stolen-property prosecution was actually stolen.
2. Whether the trial court's instruction that the State need not prove that the property was actually stolen constituted plain error requiring reversal and a new trial.

HOLDINGS

1. To convict a defendant of receiving stolen property under N.J.S.A. 2C:20-7, the State must prove that the property was actually stolen; proof that the defendant merely knew or believed the property was stolen is insufficient.
2. The trial court committed plain error by instructing the jury that the State was not required to prove that the property actually had been stolen, because the instruction omitted and affirmatively negated an element of the offense.

KEY QUOTATIONS

“Because we determine that the relevant statutory language requires the State to prove that the property has been stolen, we reverse the judgment of the Appellate Division and remand for a new trial.” (181 N.J. at 376)

“We find, however, that that language refers to the scienter necessary for the crime. It does not address, much less dispense with, the requirement that the property itself possess the characteristic of being stolen.” (181 N.J. at 381)

“Because the trial court did not advise the jury of the need to determine that the property was actually stolen, but instead instructed the jury that the State had no burden to prove that fact, the jury was misinformed about the elements of the crime.” (181 N.J. at 382)

FACTUAL BACKGROUND

A Penske tractor disappeared from a leasing facility in Pennsylvania and was later located at a New Jersey truck stop. Police found Richard Hodde asleep in the cab, arrested him, and discovered keys in the ignition; the vehicle showed no evidence that Hodde had forcibly entered it. At trial, the State presented evidence that the tractor had been driven approximately 1,200 miles and that a vent window had been damaged, but the defense sought to cast doubt on whether the tractor was actually stolen.

PROCEDURAL HISTORY

A Hunterdon County grand jury indicted defendant for third-degree theft by receiving stolen property involving a motor vehicle. After trial, the jury convicted defendant based on an instruction that the State did not need to prove that the vehicle actually had been stolen; the trial court imposed a seven-year sentence. The Appellate Division affirmed, finding no plain error. The Supreme Court of New Jersey reversed and remanded for a new trial.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The matter was remanded for a new trial with a jury instruction requiring the State to prove that the property was actually stolen.

CASES CITED

- State v. Valentin, 105 N.J. 14, 519 A.2d 322 (1987)
- Burns v. Belafsky, 166 N.J. 466, 766 A.2d 1095 (2001)
- In re Passaic County Utilities Authority, 164 N.J. 270, 753 A.2d 661 (2000)
- Matturri v. Board of Trustees of the Judicial Retirement System, 173 N.J. 368, 802 A.2d 496 (2002)
- State v. Federico, 103 N.J. 169, 510 A.2d 1147 (1986)
- State v. Damiano, 322 N.J. Super. 22, 730 A.2d 376 (App. Div. 1999), certif. denied, 163 N.J. 396, 749 A.2d 369 (2000)
- State v. Smith, 279 N.J. Super. 131, 652 A.2d 241 (App. Div. 1995)
- State v. Bujan, 274 N.J. Super. 132, 643 A.2d 628 (App. Div. 1994)
- State v. Vick, 117 N.J. 288, 566 A.2d 531 (1989)
- State v. Hodde, 178 N.J. 28, 834 A.2d 402 (2003)