

BATTERED WOMAN¹ SYNDROME – PURPOSES OTHER THAN DEFENSES²

You have heard evidence about Battered Woman Syndrome, addressing the behavior of [a] certain witness[es]. In this respect, Dr. [A], Ph.D., testified on behalf of the State [and Dr. [B], Ph.D., testified on behalf of the defense].³ The witness[es] was/were qualified as [an] expert[s] on Battered Woman Syndrome. You may only consider the testimony of this/these expert[s] for a limited purpose, as I will explain.

Many people have strong views about women who are battered, so some of you may question a battered woman's credibility based solely on the fact that she [CHOOSE APPLICABLE TERM] remained silent about the battering/ did not act to stop the battering/ continued to reside with the batterer/ denied that battering occurred]. The law recognizes that many people believe that a woman's claim that she was battered or abused is not credible solely because she remained silent or otherwise did not act to stop it. Evidence regarding Battered Woman Syndrome is relevant, if believed by you, because it can explain how such behaviors are among the many ways that a woman may respond to such battering.

You may not consider Dr. [A]'s testimony as offering proof that battering occurred. [Likewise, you may not consider Dr. [B]'s testimony as proof that battering did not occur]. Battered Woman Syndrome cannot be used to determine whether or not abuse occurred. It relates only to a pattern of behavior of a battered woman that may be present in some cases where battering is alleged. You may not consider expert testimony about Battered Woman Syndrome as proving whether battering occurred or did not occur. Similarly, you may not consider that testimony as proving, in and of itself, that _____, the alleged battered woman, was or was not truthful.

¹ Use of the term "woman" is not meant to preclude evidence that this defense can be applied to someone other than a woman.

² A separate charge on Battered Woman Syndrome is offered when a defendant adduces evidence of it to support a defense. This model charge should be used when either party adduces evidence of the syndrome to explain why a victim or other witness failed to report that she was battered. See, for instance, State v. Townsend, 186 N.J. 473 (2006). As such, the language of this charge is derived primarily from that approved in State v. P.H., 178 N.J. 378, 399-400 (2004), for use when evidence of Child Sexual Abuse Accommodation Syndrome is adduced. This charge should be given, where applicable, as part of the Expert Witness charge.

³ This Model Charge should be modified where an expert on Battered Woman Syndrome is called by only one party.

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Dr. [A]’s testimony may be considered as explaining certain behavior of the alleged victim of battering. As I just said, that testimony may not be considered as proof that abuse did, or did not, occur. Battered Woman Syndrome, if proven, may help explain why a battered woman may [**CHOOSE APPLICABLE TERM**] [remain silent/ take no action/ continue to live with her batterer / deny that battering occurred].

In a burglary or theft case, if the owner did not report the crime for several years, your common sense might tell you that the delay reflected a lack of truthfulness on the part of the owner. No expert would be offered to explain the owner’s conduct, because that conduct is within the common experience and knowledge of most jurors. By contrast, in a case such as this, expert testimony regarding Battered Woman Syndrome can help explain the effects that a sustained pattern of physical and/or psychological abuse can have on a woman.⁴

Here, Dr. [A] testified that, in cases involving battered women, [**SUMMARIZE TESTIMONY**]. This testimony was admitted for the limited purpose of explaining that the behavior of the alleged victim was not necessarily inconsistent with battering. [**CHARGE, IF APPLICABLE**: here, Dr. [B] testified that, in cases involving battered women, [**SUMMARIZE TESTIMONY**]. This testimony was admitted for the limited purpose of explaining that the behavior of the alleged victim was not necessarily consistent with battering.

In summary, testimony as to the Battered Woman Syndrome is offered only to explain certain behavior of an alleged victim of battering. As with all other expert testimony, you may not consider the expert testimony as in any way proving that _____ committed, or did not commit, any particular abusive act. The weight to be given to Dr. [A]’s [or Dr. [B]’s] testimony is entirely up to you. You may give it great weight, slight weight, or any weight in between, or you may in your discretion reject it entirely.

⁴ Townsend, 186 N.J. at 499.