

**14-2253. Assault by a prisoner; taking a hostage; essential elements.**

For you to find the defendant guilty of assault by a prisoner taking a hostage [as charged in Count \_\_\_\_\_]<sup>1</sup>, the state must prove to your satisfaction beyond a reasonable doubt each of the following elements of the crime:

1. The defendant [confined]<sup>2</sup> [restrained] \_\_\_\_\_ (*name of victim*) who was an [officer]<sup>2</sup> [employee] [visitor] at \_\_\_\_\_<sup>3</sup>;
2. The defendant intended to use \_\_\_\_\_ (*name of victim*) as a hostage;
3. At the time, the defendant was confined at \_\_\_\_\_<sup>3</sup>;
4. This happened in New Mexico on or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**USE NOTES**

1. Insert the count number if more than one count is charged.
2. Use only the applicable bracketed element established by the evidence.
3. Identify the place of custody or confinement.