

**14-2223. Escape from custody of a peace officer; essential elements.**

For you to find the defendant guilty of escape from custody of a peace officer [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 was arrested [under authority of a warrant]<sup>2</sup> [upon reasonable grounds to believe that he had committed \_\_\_\_\_]<sup>3</sup>;
2. The defendant [escaped]<sup>2</sup> [attempted to escape] from the custody of a \_\_\_\_\_ (*official title*);
3. 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. Insert name of felony for which the defendant had been arrested. The essential elements of the felony must also be given immediately following this instruction.