

14-2215. Resisting, evading or obstructing an officer; essential elements.¹

For you to find the defendant guilty of resisting, evading or obstructing an officer [as charged in Count _____]¹, the state must prove to your satisfaction beyond a reasonable doubt each of the following elements of the crime:

1. _____ (*name of officer*) was a [peace officer²] [judge] [magistrate]³ in the lawful discharge of duty;

2. The defendant knew _____ (*name of officer*) was a [peace officer] [judge] [magistrate]³;

3. [The defendant knowingly obstructed, resisted or opposed _____ (*name of officer*) in serving or attempting to serve or execute any process or any rule or order of any of the courts of this state or any other judicial writ or process;]

[OR]³

[The defendant, with the knowledge that _____ (*name of officer*) was attempting to apprehend or arrest the defendant, fled, attempted to evade or evaded _____ (*name of officer*);]

[OR]³

[The defendant willfully refused to bring a vehicle to a stop when given a visual or audible signal to stop by _____ (*name of officer*), a uniformed officer who was in an appropriately marked police vehicle;]

[OR]³

[The defendant resisted or abused _____ (*name of officer*) in the lawful discharge of _____'s (*name of officer*) duties;]

4. This happened in New Mexico on or about the _____ day of _____, _____.

USE NOTES

1. Insert count number if more than one count is charged.
 2. If there is an issue as to whether or not the victim was a peace officer, give UJI 14-2216 NMRA, which defines "peace officer." The mistake of fact referred to in prior UJI 16-2216 NMRA has been incorporated into this instruction as an element. If some other mistake of fact is raised as a defense, see UJI 14-5120 NMRA.
 3. Use only the applicable alternative.
- [Adopted May 1, 1986; UJI 14-2215 SCRA; as amended, effective January 15, 1998; as amended by Supreme Court Order No. 11-8300-004, effective March 21, 2011.]