14-2240. Harboring a felon; essential elements.

For you to find the defendant guilty of harboring a felon [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 defendant*) was a not a husband or wife, parent or grandparent, child or grandchild, or brother or sister, by consanguinity or affinity, of _____ (*name of felon*)];[2]

2.   _____ (*name of felon*) committed the crime of _____,[3]

3.   _____ (*name of defendant*) knew that _____ (*name of felon*) had committed the crime of _____,[3]

4.   The defendant [concealed][4] [gave aid to] _____ (*name of felon*), with the intent that _____ (*name of felon*) [escape][4] [avoid arrest, trial, conviction or punishment] for the crime of _____;[3]

5.   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.   This bracketed element should only be given if there is a factual issue as to the defendant's relationship to the felon. *See* NMSA 1978, § 30-22-4 (1963) (exempting certain relatives from criminal liability for harboring or aiding a felon).

3.   Identify the felony committed. If the jury has not already been given the instruction pertaining to the felony committed, the essential elements of applicable offense must be given. To instruct on the elements of an uncharged offense, UJI 14-140 NMRA must be used.

4.   Use only the applicable bracketed elements established by the evidence.

[As amended by Supreme Court Order No. 14-8300-005, effective for all cases pending or filed on or after December 31, 2014; as amended by Supreme Court Order No. 20-8300-004, effective for all cases pending or filed on or after December 31, 2020.]