

14-2229. Failure to appear; bail.

For you to find the defendant guilty of failure to appear as required by conditions of release [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 released pending [trial] [an appeal] [a probation revocation proceeding]² in a criminal action related to a [misdemeanor or petty misdemeanor] [felony]² offense on the condition that _____ (*name of defendant*) appear as required by the court;
2. _____ (*name of defendant*) failed to appear as required by the court;
3. The defendant's failure to appear was willful, without sufficient justification or excuse;
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 applicable alternative.

[Adopted, effective October 1, 1976; UJI Criminal Rule 22.29 NMSA 1978; UJI 14-2229 SCRA; as amended, effective January 1, 1999; as amended by Supreme Court Order No. 22-8300-035, effective for all cases pending or filed on or after December 31, 2022.]