

**14-2228C. Escape; community custody release program; essential elements.<sup>1</sup>**

For you to find the defendant guilty of escape from a community custody release program [as charged in Count \_\_\_\_\_]<sup>2</sup>, the state must prove to your satisfaction beyond a reasonable doubt each of the following elements of the crime:

1. The defendant was charged with a [misdemeanor] [felony]<sup>3</sup> offense<sup>4</sup>;
2. The defendant was not on probation or parole;<sup>4</sup>
3. The defendant was committed to a judicially approved community custody release program;
4. Under the procedures and conditions of the program, the defendant was required to \_\_\_\_\_ (*describe the program requirement(s) allegedly violated*);
5. The defendant [failed to comply] [attempted to avoid complying]<sup>3</sup> with the requirement to \_\_\_\_\_ (*describe the program requirement*) [by \_\_\_\_\_ (*describe the substantial step toward attempting to escape*)]<sup>5</sup>;
6. This happened in New Mexico on or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**USE NOTES**

1. This instruction is to be used for escape from a community custody release program under NMSA 1978, Section 30-22-8.1 (1999). For escape from a county or municipal jail-initiated prisoner-release program established under NMSA 1978, Section 33-3-24 (1981), use UJI 14-2228A NMRA. For escape from a penitentiary inmate-release program established under NMSA 1978, Sections 33-2-43 to -47 (1969, as amended through 1980), use UJI 14-2228B NMRA.

2. Insert the count number if more than one count is charged.

3. Use the applicable alternative.

4. Essential element, but rarely at issue; see Committee commentary.

5. For attempts to escape, specify the act(s) allegedly constituting a substantial step toward escape and give UJI 14-2801 NMRA following this instruction. For completed offenses, UJI 14-141 NMRA must be given following this instruction.

[Adopted by Supreme Court Order No. 22-8300-031, effective for all cases pending or filed on or after December 31, 2022.]