

Brendan to revise: draft “fleeing” instruction

**INSTRUCTION NO. \_\_\_\_\_**

Proving that the defendant is guilty of the crime(s) charged requires more than simply showing that defendant fled or attempted to flee from the authorities immediately after the crime was committed, or after the defendant was accused of the crime. However, if the prosecutor proves to you that defendant fled--or tried to do so--you can consider this fact in determining whether the defendant is “guilty” or “not guilty” of the crime(s).

A jury can reasonably infer from attempted flight that the defendant was conscious of his/her guilt. However, you must also consider that flight does not necessarily reflect actual guilt of the crime charged. There may be other reasons for flight that are fully consistent with the defendant’s innocence. As a result, it is up to you to decide whether or not the defendant’s actions in this regard show a consciousness of guilt. It is also up to you to decide what significance you will give to that evidence.