

ICJI 601 ESCAPE—FELONY

INSTRUCTION NO.

In order for the defendant to be guilty of Escape, the state must prove each of the following:

1. On or about [date]
2. in the state of Idaho
3. the defendant [name] was [charged with] [convicted of] [on probation for] (describe felony), a felony,
4. and while [in proper custody of] [confined in]
5. (describe institution or officer or person)
6. [escaped] [attempted to escape].]

[or]

[4. intentionally

5. left [the area of restriction set forth in a court order admitting a person to bail or release on a person's own recognizance with electronic or global positioning system tracking, monitoring and detention] [or] [the area of restriction set forth in a sentencing order,] except for leaving the area of restriction for the purpose of obtaining emergency medical care

6. and had previously been notified in writing by the court at [the time of setting of [bail], [release]] [or] [sentencing] of the consequences of violating the escape statute by intentionally leaving the area of restriction.]

If any of the above has not been proven beyond a reasonable doubt, you must find the defendant not guilty. If each of the above has been proven beyond a reasonable doubt, then you must find the defendant guilty.

Comment

I.C. § 18-2505.

ICJI 602 ESCAPE—MISDEMEANOR

INSTRUCTION NO.

In order for the defendant to be guilty of Escape, the state must prove each of the following:

1. On or about [date]
2. in the state of Idaho
3. the defendant [name] was [charged with] [convicted of] (describe misdemeanor), a misdemeanor,
- [4. and while [in lawful custody of] [confined in]
5. (describe institution or officer or person)
6. [escaped] [attempted to escape].]

[or]

[4. intentionally

5. left [the area of restriction set forth in a court order admitting a person to bail or release on a person's own recognizance with electronic or global positioning system tracking, monitoring and detention] [or] [the area of restriction set forth in a sentencing order,] except for leaving the area of restriction for the purpose of obtaining emergency medical care

6. and had previously been notified in writing by the court at [the time of setting of [bail], [release]] [or] [sentencing] of the consequences of violating the escape statute by intentionally leaving the area of restriction.]

If any of the above has not been proven beyond a reasonable doubt, you must find the defendant not guilty. If each of the above has been proven beyond a reasonable doubt, then you must find the defendant guilty.

Comment

I.C. § 18-2506. *State v. Nab*, 112 Idaho 1139, 739 P.2d 438 (Ct. App. 1987).

ICJI 603 ESCAPE -- BY FORCE OR WITH WEAPON

INSTRUCTION NO. _____

In order for the defendant to be guilty of Escape, the state must prove each of the following:

1. On or about [date]
2. in the state of Idaho
3. the defendant [name] was [charged with] [convicted of] (describe misdemeanor), a misdemeanor,
4. and while [in lawful custody of] [confined in]
5. (describe institution or officer or person)
6. the defendant [escaped] [attempted to escape]
7. [by use of [threat] [intimidation] [force] [violence] [injury to (person) (property) other than that of the defendant]] [or] [by use or possession of any (weapon) (tool) (instrument) (or) (other substance)].

If any of the above has not been proven beyond a reasonable doubt, you must find the defendant not guilty. If each of the above has been proven beyond a reasonable doubt, then you must find the defendant guilty.

Comment

I.C. s 18-2506.

ICJI 604 INMATE POSSESSION OF CONTROLLED SUBSTANCE

INSTRUCTION NO. _____

In order for the defendant to be guilty of [Possession] [Manufacturing] [Delivery] of a Controlled Substance by an Inmate, the state must prove each of the following:

1. On or about [date]
2. in the state of Idaho
3. the defendant [name]
4. while an inmate
5. of a [penal institution] [jail]
6. did [manufacture] [deliver] [possess]
7. a controlled substance (specify).

If any of the above has not been proven beyond a reasonable doubt, you must find the defendant not guilty. If each of the above has been proven beyond a reasonable doubt, then you must find the defendant guilty.

Comment

I.C. s 18-2511.

ICJI 605 INMATE POSSESSION/MANUFACTURING/DELIVERY OF DANGEROUS WEAPON

INSTRUCTION NO. _____

In order for the defendant to be guilty of [Possession] [Manufacturing] [Delivery] of a Dangerous Weapon by an Inmate, the state must prove each of the following:

1. On or about [date]
2. in the state of Idaho
3. the defendant [name]
4. while an inmate
5. of a [penal institution] [jail]
6. did [manufacture] [deliver] [possess]
7. a dangerous weapon (specify).

If any of the above has not been proven beyond a reasonable doubt, you must find the defendant not guilty. If each of the above has been proven beyond a reasonable doubt, then you must find the defendant guilty.

Comment

I.C. s 18-2511.

ICJI 606 INMATE STATUS

INSTRUCTION NO. _____

Evidence has been presented that the defendant was in lawful custody. That status is not evidence that the defendant [attempted to escape] [escaped] [possessed] [manufactured] [delivered] a [controlled substance] [dangerous weapon] as charged in this case.

ICJI 650 FAILURE TO APPEAR

INSTRUCTION NO.

In order for the defendant to be guilty of Failure to Appear, the state must prove each of the following:

1. On or about [date]
2. in the state of Idaho,
3. the defendant [name] failed to appear in court
4. at the time required in a misdemeanor citation
5. which had been served on the defendant by a law enforcement officer.

If any of the above has not been proven beyond a reasonable doubt, you must find the defendant not guilty. If each of the above has been proven beyond a reasonable doubt, then you must find the defendant guilty.

A law enforcement officer can serve a misdemeanor citation either by obtaining the defendant's written promise to appear in court at the time indicated on the citation or by physically delivering a copy of the citation to the defendant.

[The term "law enforcement officer" includes a member of the Idaho State Police, a sheriff or deputy sheriff, a city policeman or marshal, a constable, and any other officer duly authorized to enforce municipal, county, or state laws.]

Comment

I.C. s 19-3901A. A "law enforcement officer" includes a building inspector authorized to enforce the building code. *State v. Gage*, 123 Idaho 620, 853 P.2d 620 (Ct. App. 1993).

[Added July 2005]