

CHAPTER 8-1

ACCESSORY

- 8-1:01 ACCESSORY TO CLASS ONE OR TWO FELONY
(COMMITTED, CHARGED OR CONVICTED)
- 8-1:02 ACCESSORY TO CLASS 1 OR 2 FELONY
(SUSPECTED OR WANTED)
- 8-1:03 ACCESSORY (OTHER THAN CLASS 1 OR 2 FELONY)

8-1:01 ACCESSORY TO CLASS ONE OR TWO FELONY (COMMITTED, CHARGED OR CONVICTED)

The elements of accessory to a crime are:

1. That the defendant,
2. in the State of Colorado, at or about the date and place charged,
3. knowingly,
4. rendered assistance to a person who [had committed] [had been convicted of] [was charged with] a crime,
5. with intent to [hinder] [delay] [prevent] the [discovery] [detention] [apprehension] [prosecution] [conviction] [punishment] of such person,
6. and the crime that the person [had committed] [had been convicted of] [was charged with] was _____,
(Insert appropriate class 1 or 2 felony.)
7. [without the affirmative defense in instruction number _____.]

After considering all the evidence, if you decide the prosecution has proven all of the elements beyond a reasonable doubt, you should find the defendant guilty of accessory to a crime.

After considering all the evidence, if you find the prosecution has failed to prove any one or more of the elements beyond a reasonable doubt, you should find the defendant not guilty of accessory to a crime.

NOTES ON USE

When this instruction is used the definition of "render assistance" must be given. An instruction defining the appropriate crime pertaining to the person to whom the assistance was rendered must be given.

People v. Preciado-Flores, 66 P.3d 155 (Colo. App. 2002) (defendant need not be successful in obstructing investigation for conviction under 18-8-105(2)(d), C.R.S.)

See *Medina v. People*, 163 P.3d 1136 (Colo. 2007) (discussion of difference between F4 offense and F5 offense of accessory)

SOURCE AND AUTHORITY

§18-8-105, C.R.S.

CLASSIFICATION OF OFFENSE

F4

8:1-02 ACCESSORY TO CLASS 1 OR 2 FELONY (SUSPECTED OR WANTED)

The elements of accessory to a crime are:

1. That the defendant,
2. in the State of Colorado, at or about the date and place charged,
3. knowingly,
4. rendered assistance to a person who [was suspected of] [was wanted for] a crime,

5. with intent to [hinder] [delay] [prevent] the [discovery] [detention] [apprehension] [prosecution] [conviction] [punishment] of such person,

6. and the crime that the person [was suspected of] [was wanted for] was _____
_____'

(Insert appropriate class 1 or 2 felony.)

7. [without the affirmative defense in instruction number _____.]

After considering all the evidence, if you decide the prosecution has proven all of the elements beyond a reasonable doubt, you should find the defendant guilty of accessory to a crime.

After considering all the evidence, if you find the prosecution has failed to prove any one or more of the elements beyond a reasonable doubt, you should find the defendant not guilty of accessory to a crime.

NOTES ON USE

When this instruction is used the definition of "render assistance" must be given. An instruction defining the appropriate crime pertaining to the person to whom the assistance was rendered must be given.

For a discussion of mental states required for attempt, complicity and conspiracy, see *Palmer v. People*, 964 P.2d 524 (Colo. 1998).

People v. Preciado-Flores, 66 P.3d 155 (Colo. App. 2002) (defendant need not be successful in obstructing investigation for conviction under 18-8-105(2)(d), C.R.S. (2007)).

See *Medina v. People*, 163 P.3d 1136, (Colo. 2007) (discussion of difference between F4 offense and F5 offense of accessory)

SOURCE AND AUTHORITY

§18-8-105, C.R.S.

CLASSIFICATION OF OFFENSE

F5

8-1:03 ACCESSORY (OTHER THAN CLASS 1 OR 2 FELONY)

The elements of accessory to a crime are:

1. That the defendant,
2. in the State of Colorado, at or about the date and place charged,
3. knowingly,
4. rendered assistance to a person who [had committed] [had been convicted of] [was charged with] [was suspected of] [was wanted for] a crime,
5. with intent to [hinder] [delay] [prevent] the [discovery] [detention] [apprehension] [prosecution] [conviction] [punishment] of such person,
6. and the crime that the person[had committed] [had been convicted of] [was charged with] [was suspected of] [was wanted for] was _____
_____.
Insert appropriate crime other than class 1 or 2 felony)
7. [without the affirmative defense in instruction number _____.]

After considering all the evidence, if you decide the prosecution has proven all of the elements beyond a reasonable doubt, you should find the defendant guilty of accessory to a crime.

After considering all the evidence, if you find the prosecution has failed to prove any one or more of the elements beyond a reasonable doubt, you should find the defendant not guilty of accessory to a crime.

NOTES ON USE

When this instruction is used the definition of "render assistance" must be given. An instruction defining the appropriate crime pertaining to the person to whom the assistance was rendered must be given.

For a discussion of mental states required for attempt, complicity and conspiracy, see *Palmer v. People*, 964 P.2d 524 (Colo. 1998).

People v. Preciado-Flores, 66 P.3d 155 (Colo. App. 2002) (defendant need not be successful in obstructing investigation for conviction under 18-8-105(2)(d), C.R.S.

SOURCE AND AUTHORITY

§18-8-105, C.R.S.

CLASSIFICATION OF OFFENSE

The offense classification is F5 where the underlying offense is F5 or above, but F6 for underlying offense classified as F6. Where the underlying offense is a misdemeanor, the offense classification is P01.