

Flight

Some evidence has been introduced to the effect that the defendant **fled/attempted to flee** after the commission of the offense. The State is allowed to show flight on the part of the accused. You should first determine whether the defendant did in fact **flee/attempt to flee**. If you find that the defendant **fled/attempted to flee**, then you must determine whether the defendant **fled/attempted to flee** from a consciousness of guilt or if there was some other reason. If you determine that the flight, if any, was from a consciousness of guilt, then the flight is a circumstance which might tend to infer guilt on the part of the defendant and may be considered along with the other evidence in the case. On the other hand, if you find that the defendant **fled/attempted to flee**, not because of a consciousness of guilt, but because of some other reason, then the flight, if any, should not be considered as any indication of or inference of guilt. Whether the defendant did in fact **flee/attempt to flee** and the reason for the flight, if any, is to be determined by you from the evidence.

[Read as appropriate]: The fact that the defendant voluntarily surrendered in no way affects the right of the State of Alabama to offer evidence of flight prior to such surrender. However, if the State of Alabama offers evidence of flight, then the defendant is entitled to prove that he/she thereafter voluntarily surrendered.

Use Notes

Russell v. State, CR-10-1910 (Ala. Crim. App. May 29, 2015), ___ So. 3d ___, WL 3448853 (p.17); C. Gamble, *McElroy's Alabama Evidence* 190.01; *Tate v. State*, 346 So.2d 515, 520 (Ala. Crim. App. 1977); *Crenshaw v. State*, 225 Ala. 346, 348, 142 So. 669 (1932); See also *Ex parte Weaver*, 678 So. 2d 284 (Ala. 1996) (quoting *Ex parte Jones*, 541 So. 2d 1052, 1053–57 (Ala. 1989)); *Smith v. State*, 795 So. 2d 788, 827-29 (Ala. Crim. App.2000) (quoting *Beaver v. State*, 455 So. 2d 253, 257 (Ala. Crim. App.1984)); and *Long v. State*, 668 So. 2d 56 (Ala. Crim. App. 1995).

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