

Ala. Code 1975, § 13A-10-124

Tampering with a Witness

The defendant is charged with tampering with a witness.

A person commits the crime of tampering with a witness if he/she attempts to induce a witness or a person he believes will be called as a witness in any official proceeding to:

- (1) Testify falsely or unlawfully withhold testimony; **(OR)**
- (2) Absent himself/herself from any official proceeding to which he/she has been legally summoned.

To convict, the State must prove beyond a reasonable doubt each of the following elements:

- (1) The defendant attempted to induce a witness or a person he/she believed would be called as a witness **[name]**, in an official proceeding **[describe]**, to **[Read as appropriate]**:
 - (a) Testify falsely or unlawfully withhold testimony; **(OR)**
 - (b) Absent himself/herself from an official proceeding to which he/she has been legally summoned; **(AND)**
- (2) The defendant did so intentionally.

[Insert the instruction for Attempt 13A-4-2]

Official Proceeding is any proceeding heard before any legislative, judicial, administrative or other government agency or official authorized to hear evidence under oath. [13A-10-100(b)(5)]

Testimony includes oral or written statements, documents or any other material that may be offered as evidence in an official proceeding. [13A-10-120(b)(2)]

A person acts *intentionally* with respect to a result or to conduct described by a statute defining an offense when his/her purpose is to cause that result or to engage in that conduct. [13A-2-2(1)]

If you find from the evidence that the State has proved beyond a reasonable doubt each of the above elements of tampering with a witness, then you shall find the defendant guilty of tampering with a witness.

If you find that the State has failed to prove any one or more of the elements of tampering with a witness, then you cannot find the defendant guilty of tampering with a witness.

[If lesser-included offenses are included, the Court should instruct on those offenses at this point.]

[Approved 6-17-16.]