

**Ala. Code 1975, § 13A-10-43**

**Hindering Prosecution in the First Degree**

The defendant is charged with hindering prosecution in the first degree.

A person commits the crime of hindering prosecution in the first degree if with the intent to hinder the apprehension, prosecution, conviction or punishment of another for conduct constituting a murder, or a Class A or B felony, he/she renders criminal assistance to such person.

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

- (1) The Defendant rendered criminal assistance to a person, **[insert description]**;
- (2) That person was wanted for conduct constituting a murder, or a Class A or B felony, **[insert description]; (AND)**
- (3) The Defendant did so with the intent to hinder the apprehension, prosecution, conviction or punishment of that person.

A person renders "*criminal assistance*" to another if he/she: **[Read all appropriate]**:

- (1) Harbors or conceals such person;
- (2) Warns such person of impending discovery or apprehension; except that this does not apply to a warning given in connection with an effort to bring another into compliance with the law;
- (3) Provides such person with money, transportation, weapon, disguise or other means of avoiding discovery or apprehension;
- (4) Prevents or obstructs, by means of force, deception or intimidation, anyone except a trespasser from performing an act that might aid in the discovery or apprehension of such person; **(OR)**
- (5) Suppresses, by an act of concealment, alteration or destruction, any physical evidence that might aid in the discovery or apprehension of such person. [13A-10-42]

A *Class A Felony* is a crime for which a sentence to a term of imprisonment for life or not more than 99 years or less than 10 years may be imposed. [13A-5-6(a)(1)]

A *Class B Felony* is a crime for which a sentence to a term of imprisonment for not more than 20 years or less than 2 years may be imposed. [13A-5-6(a)(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 hindering prosecution in the first degree, then you shall find the defendant guilty of hindering prosecution in the first degree.

If you find that the State has failed to prove any one or more of the elements of hindering prosecution in the first degree, then you cannot find the defendant guilty of hindering prosecution in the first degree.

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

[Approved 8-20-15.]