

104.36 FLIGHT - FIRST DEGREE MURDER CASES.¹

The State contends (and the defendant denies) that the defendant fled. Evidence of flight may be considered by you together with all other facts and circumstances in this case in determining whether the combined circumstances amount to an admission or show a consciousness of guilt. However, proof of this circumstance is not sufficient, in itself, to establish the defendant's guilt. Further, this circumstance has no bearing on the question of whether defendant acted with premeditation and deliberation. Therefore, it must not be considered by you as evidence of premeditation or deliberation.

1. For use in first degree murder cases when premeditation is an issue. *State v. Jefferies*, 333 N.C. 501 (1993).