

1 **14-5025. Refusal of witness to testify; exercise of privilege.¹**

2 The witness, _____ (*name*) has refused to testify as to a certain matter,
3 basing [~~his~~] the refusal on the exercise of a [privilege against self-incrimination]² [lawful
4 privilege]. You are not to draw any conclusions from [~~his~~] the witness's refusal to testify.

5 USE NOTES

6 1. To be given if requested by any party against whom the jury might draw an adverse
7 inference from a claim of privilege.

8 2. Use the applicable bracketed phrase.

9 [As amended by Supreme Court Order No. S-1-RCR-2025-00126, effective for all cases pending
10 or filed on or after December 31, 2025.]

11 **Committee commentary.** — The language of this instruction was derived from California Jury
12 Instructions Criminal, 2.26. Under Rule 11-513C NMRA, "[u]pon request, any party against whom
13 the jury might draw an adverse inference from a claim of privilege is entitled to an instruction that
14 no inference may be drawn therefrom."