

14-7027. Life imprisonment without possibility of release or parole proceeding; jury procedure for consideration of each aggravating circumstance.¹

In this case, as to the aggravating circumstance of _____
(insert the aggravating circumstance), there are three possible verdicts:

- (1) finding beyond a reasonable doubt that the aggravating circumstance exists;
- (2) finding that the aggravating circumstance does not exist; or
- (3) being unable to reach an agreement.

You must first consider whether the aggravating circumstance charged was present in this case. In order to find the aggravating circumstance, you must agree unanimously.

A special form has been prepared for [the] [each]² aggravating circumstance charged. If you unanimously find the state has proved beyond a reasonable doubt that the aggravating circumstance was present, you shall complete the form indicating your finding, and have the foreperson sign this part. [You will then consider any other aggravating circumstances.]³

If you unanimously find that the aggravating circumstance was not present, your finding shall be that the state has not proved beyond a reasonable doubt the aggravating circumstance. If you are unable to reach a unanimous agreement either way, the foreperson shall sign this part of the finding form.

[You will then consider any other aggravating circumstances until you have separately considered each aggravating circumstance. You must complete a form for each aggravating circumstance before returning to the court.]³

If you do not find an aggravating circumstance beyond a reasonable doubt, then return to the courtroom.

USE NOTES

1. This instruction must be given in every life imprisonment without possibility of release or parole proceeding for each aggravating circumstance to be given to the jury. It is to be given immediately prior to UJI 14-7032 NMRA, sample form of findings.

2. Use only applicable alternative.

3. This alternative is to be given if more than one aggravating circumstance is to be given.

[As amended, effective August 1, 2001; as amended by Supreme Court Order No. 21-8300-008, effective for all cases filed or pending on or after December 31, 2021.]