

**14-255. Intent to kill one person; another killed.**

When one intends to kill or injure a certain person, and by mistake or accident kills a different person, the crime, if any, is the same as though the original intended victim had been killed. In such a case, the law regards the intent as transferred from the original intended victim to the actual victim.

**USE NOTES**

Insert this instruction immediately after the instruction on the elements of the crime. This instruction is not necessary if the state has charged and introduced evidence of the crime of first degree murder by a deliberate design to effect the death of any human being. In that event, the bracketed phrase described in Use Note No. 2 of UJI 14-201 supplies the necessary "transferred intent" instruction.