

14-1632. Aggravated burglary; essential elements.

For you to find the defendant guilty of aggravated burglary [as charged in Count _____],¹ the state must prove to your satisfaction beyond a reasonable doubt each of the following elements of the crime:

1. The defendant entered a [vehicle] [watercraft] [aircraft] [dwelling] [or] [other structure] without authorization;
2. The defendant entered the [vehicle] [watercraft] [aircraft] [dwelling] [or] [other structure] with the intent to commit [a theft] [or] [_____]² (*name of felony*) once inside;
3. The defendant [was armed with a _____³],⁴ [became armed with a _____³ after entering]; [touched or applied force to _____ (*name of victim*) in a rude or angry manner while entering or leaving, or while inside];
4. This happened in New Mexico on or about the _____ day of _____, _____.

USE NOTES

1. Insert the count number if more than one count is charged.
 2. It is not necessary to instruct on the elements of a theft. If intent to commit a felony other than theft is alleged, the essential elements of the felony must be given if not separately instructed. To instruct on the elements of an uncharged offense, UJI 14-140 NMRA must be used.
 3. Insert the name of the weapon when the instrument is a deadly weapon as defined in Section 30-1-12(B) NMSA 1978, or use the phrase “an instrument or object which, when used as a weapon, could cause death or very serious injury.”
 4. Use the applicable bracketed phrase.
- [As amended, effective August 1, 2001; as amended by Supreme Court Order No. 20-8300-004, effective for all cases pending or filed on or after December 31, 2020.]