

**14-7018. Life imprisonment without possibility of release or parole proceeding; aggravating circumstances; murder during attempt to escape from penal institution; essential elements.<sup>1</sup>**

The state has charged the aggravating circumstance of murder with the intent to attempt to escape from a penal institution. Before you may find the aggravating circumstance of murder while attempting to escape from a penal institution, you must find that the state has proved to your satisfaction beyond a reasonable doubt each of the following elements:

1. While attempting to escape from \_\_\_\_\_ (*name of penal institution*), the defendant committed the murder of \_\_\_\_\_ (*name of victim*);<sup>2</sup> and
2. The defendant had the intent to kill.

USE NOTES

1. This instruction is to be used only in a life imprisonment without possibility of release or parole proceeding.

2. The court shall give the applicable essential elements instruction modified in the manner illustrated by UJI 14-140 NMRA, Underlying felony offense; sample instructions. Instructions required to be given with the essential elements instruction, including definitions, must also 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.]