

14-240B. Homicide by vehicle; driving under the influence; essential elements.

For you to find the defendant guilty of causing death by driving under the influence [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 operated a motor vehicle²
[while under the influence of intoxicating liquor³;]⁴
[while under the influence of _____, a drug⁵];
2. The defendant's driving while under the influence of [liquor]⁴ [or] [drugs] caused⁶ the death of _____ (*name of victim*);
3. 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. If they are in issue, see Section 66-1-4.11 NMSA 1978, for the definition of a motor vehicle and UJIs 14-4511 and 14-4512 for definitions of "operating" and "actual physical control."
3. UJI 14-243 NMRA, the definition of under the influence of intoxicating liquor, must be given if this element is given.
4. Use only applicable alternative or alternatives.
5. UJI 14-245 NMRA, the definition of under the influence of a drug, must be given if this element is given.
6. If causation is in issue, UJI 14-251 NMRA, the definition of causation, must be given.

[Adopted by Supreme Court Order No. 17-8300-012, effective for all cases pending or filed on or after December 31, 2017.]