

14-701. Receipt, transportation or possession of a firearm or destructive device by a felon; essential elements.

For you to find the defendant guilty of receipt, [transportation] [or]¹ [possession] of a [firearm] [or] [destructive device] by a felon [as charged in count _____]², the state must prove to your satisfaction beyond a reasonable doubt each of the following elements of the crime:

1. The defendant [received] [transported] [or]¹ [possessed] a [firearm³] [or]¹ [destructive device⁴]
2. The defendant, in the preceding ten years, was convicted and sentenced to one or more years imprisonment by a court of the United States or by a court of any state [and has not been pardoned of the conviction by the appropriate authority]⁵;
3. This happened in New Mexico on or about the _____ day of _____, _____.

USE NOTES

1. Use only the applicable alternative.
 2. Insert count number if more than one count is charged.
 3. Give UJI 14-704 NMRA, the definition of a firearm, if applicable.
 4. Give the Section 30-7-16(C)(1) definition of "destructive device", if applicable.
 5. Use bracketed language only if there is an issue as to whether the defendant has been pardoned for the offense.
- [Adopted, effective May 1, 1986; as amended, effective January 1, 1999.]