

14-606. Abandonment of a child resulting in great bodily harm or death.

For you to find _____ (*name of defendant*) guilty of abandonment of a child resulting in great bodily harm, [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. _____ (*name of defendant*) was a [parent]² [guardian] [or] [custodian] of _____ (*name of child*);
2. _____ (*name of defendant*) intentionally³ [left]² [or] [abandoned] _____ (*name of child*);
3. As a result of _____ (*name of defendant*) [leaving]² [or] [abandoning] _____ (*name of child*), _____ (*name of child*) was without proper parental care and control necessary to prevent harm to _____ (*name of child*);
4. At the time that _____ (*name of defendant*) [left]² [or] [abandoned] _____ (*name of child*), the circumstances exposed _____ (*name of child*) to a risk of harm;
- [5. _____ (*name of defendant*) had the ability to provide proper parental care and control necessary for _____ =s (*name of child*) well-being]⁴;
6. _____'s (*name of defendant*) failure to provide proper parental care and control necessary for _____'s (*name of child*) well-being resulted in [the death of]² [great bodily harm to⁵] _____ (*name of child*);
7. _____ (*name of child*) was under the age of eighteen (18);
8. 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. If the jury is to be instructed on first-degree murder for the same offense, UJI 14-250 NMRA must also be given.
2. Use only applicable alternative or alternatives.
3. The definition of "intentionally," UJI 14-626 NMRA, must also be given immediately after this instruction.
4. Use the bracketed element if the defendant's ability to provide the proper parental care and control necessary for the child's well-being is at issue.
5. If this alternative is given, the definition of "great bodily harm," UJI 14-131 NMRA, must also be given.

[Approved, effective October 1, 1993; as amended by Supreme Court Order No. 18-8300-012, effective for all cases pending or filed on or after December 31, 2018.]