

14-341. Shooting at dwelling or occupied building; resulting in death or great bodily harm; essential elements.

For you to find the defendant guilty of causing [death] [or] [great bodily harm]¹ by shooting at a [dwelling]¹ [occupied building] [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 willfully shot a firearm at [a dwelling³]¹ [an occupied building];
2. The defendant knew that the building was [a dwelling]¹ [occupied];
3. The defendant caused⁴ [the death of]¹ [or] [great bodily harm to⁵]
_____ (*name of victim*);
- [4. The defendant was not a law enforcement officer engaged in the lawful performance of duty;]⁶
5. This happened in New Mexico on or about the _____ day of _____, _____.⁷

USE NOTES

1. Use only applicable alternative or alternatives.
2. Insert the count number if more than one count is charged.
3. If this alternative is given, UJI 14-1631 NMRA, the definition of dwelling, must be given. When used with this instruction, UJI 14-1631 NMRA should be modified to delete the word "house".
4. If causation is in issue, UJI 14-251 NMRA, the definition of causation, must also be given.
5. If this alternative is given, the definition of "great bodily harm", UJI 14-131 NMRA, must also be given.
6. This element may be given if there is an issue as to whether or not the defendant was a law enforcement officer engaged in the lawful enforcement of duty.
7. UJI 14-141 NMRA, general criminal intent, must be given after this instruction.

[14-317 SCRA 1986, adopted, effective March 15, 1995.]