

**14-1633. Possession of burglary tools; essential elements.**

For you to find the defendant guilty of possession of burglary tools [as charged in Count \_\_\_\_\_],<sup>1</sup> the state must prove to your satisfaction beyond a reasonable doubt each of the following elements of the crime:

1. The defendant had in his possession<sup>2</sup> \_\_\_\_\_ (*name of tools or devices*);
2. \_\_\_\_\_ (*name of tools or devices*) [is] [are] designed for or commonly used in the commission of a burglary;
3. The defendant intended that the \_\_\_\_\_ (*tools or devices*) be used for the purpose of committing a burglary;
4. 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. See UJI 14-130 NMRA for definition of “possession,” if the question of possession is in issue.
3. The jury should be instructed on the elements of burglary following this instruction. See UJI 14-1630 NMRA. To instruct on the elements of an uncharged offense, UJI 14-140 NMRA must be used.

[As amended by Supreme Court Order No. 17-8300-012, effective for all cases pending or filed on or after December 31, 2017; as amended by Supreme Court Order No. 20-8300-004, effective for all cases pending or filed on or after December 31, 2020.]